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## SECOND INTERNATIONAL CONFERENCE OF AMERICAN STATES.

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# M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A COMMUNICATION FROM THE SECRETARY OF STATE,

SUBMITTING

THE REPORT, WITH ACCOMPANYING PAPERS, OF THE DELEGATES  
OF THE UNITED STATES TO THE SECOND INTERNATIONAL  
CONFERENCE OF AMERICAN STATES, HELD AT THE  
CITY OF MEXICO FROM OCTOBER 22,  
1901, TO JANUARY 22, 1902.

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APRIL 29, 1902.—Read, referred to the Committee on Foreign Relations  
and ordered to be printed.

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WASHINGTON:  
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**NOTE.**

The official language of the conference was Spanish. The translations into English were made in the office of the secretary-general of the conference.

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*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of State submitting the report, with accompanying papers, of the delegates of the United States to the second conference of American States held at the City of Mexico from October 22, 1901, to January 31, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 29, 1902.*

*To the President:*

Referring to the provision in the sundry civil appropriation act, approved June 6, 1900, for representation by the United States in the International Conference of American States (Statutes at Large, vol. 31, p. 637), the undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to Congress, the report, with accompanying papers, of the United States delegates to the conference in question which was in session at the City of Mexico from October 22, 1901, to January 31, 1902.

Respectfully submitted,

JOHN HAY.

DEPARTMENT OF STATE, *Washington, April 28, 1902.*

WASHINGTON, *April 24, 1902.*

SIR: The undersigned, delegates of the United States of America to the second international conference of the American States, which met in the City of Mexico, October 22, 1901, and adjourned January 31, 1902, have the honor to submit the following report and accompanying papers:

The first international conference of the American States, held in Washington in 1889-90, made no express provision for the meeting of subsequent conferences. The provision that the International Bureau of the American Republics should be conducted for ten years under the plan then adopted was, however, regarded as an implication that at about the expiration of that period another conference would be held. The first official action looking to the assembly of the second conference was taken by the late President McKinley, who, in his annual message to Congress of December 5, 1899, after referring to the interest taken by all of the States forming the International Union of the American Republics in the work of its organic bureau, and the assurance that the Bureau would continue for another period of ten years, said:

In view of this fact and of the numerous questions of general interest and common benefit to all of the Republics of America, some of which were considered by the first international American conference, but not finally settled, and others which have

since grown to importance, it would seem expedient that the various Republics constituting the union should be invited to hold, at an early date, another conference in the capital of one of the countries other than the United States, which has already enjoyed this honor.

In pursuance of this suggestion by the President, the Secretary of State of the United States of America addressed a circular note to the diplomatic representatives of all of the American Republics accredited in Washington proposing that the second international American conference should be called to meet as soon as possible in the capital of one of the Republics other than the United States of America, and, soon afterwards, in conversation with the Mexican ambassador in Washington, the Secretary of State informed him that it would give the Government of the United States much pleasure if the City of Mexico should be selected as the place of meeting. The Mexican minister of foreign relations, on being informed of this conversation, stated, in the name of the President of that Republic, that his Government would greatly appreciate the honor that would be conferred upon it by the selection of its capital as the place of holding the conference. Finally a majority of the diplomatic representatives of all of the American Governments accredited in Washington, following the instructions of their respective Governments, designated the City of Mexico as the place of meeting, and, on August 15, 1900, his excellency Señor Lic. Don Ignacio Mariscal, the Mexican minister of foreign affairs, addressed a note to the Government of each of the American Republics requesting it to send delegates to the second international American conference, to meet in the City of Mexico October 22, 1901. (Appendix A.) This invitation was accepted by all of the Republics, and each was represented by one delegate or more.

The nations represented, with the number of delegates and secretaries sent by each, were as follows:

The Argentine Republic, 3 delegates and 2 secretaries; Bolivia, 1 delegate and 2 secretaries; Brazil, 1 delegate and 2 secretaries; Colombia, 2 delegates and 2 secretaries; Costa Rica, 1 delegate and 1 secretary; Chile, 4 delegates, 2 secretaries, and 2 assistant secretaries; Santo Domingo, 3 delegates and 1 secretary; Ecuador, 1 delegate and 2 secretaries; El Salvador, 2 delegates, 2 secretaries, and 2 assistant secretaries; the United States of America, 5 delegates, 1 secretary, 1 assistant secretary, and 2 attachés; Guatemala, 2 delegates; Haiti, 1 delegate; Honduras, 2 delegates; Mexico, 9 delegates and 2 secretaries; Nicaragua, 1 delegate and 1 secretary; Paraguay, 1 delegate; Peru, 3 delegates, 1 secretary, and 2 assistant secretaries; Uruguay, 1 delegate and 1 secretary; Venezuela, 2 delegates and 1 secretary. The delegate of Brazil, Senhor Don José Hygino Duarte Pereira, died December 10, 1901. Owing to the length of time that would have been required to send another delegate from Brazil no successor was appointed. The delegation of Venezuela was withdrawn by the Venezuelan Government on January 14, 1902.

That the several Governments represented fully appreciated the great importance of the conference is shown by the fact that, with the exception of the delegates from the United States of America, Nicaragua, and Paraguay, who signed *ad referendum*, all of the delegates had plenary powers. This was also shown by the high character and ability of the members of the several delegations.

The delegates from the Argentine Republic were Señor Doctor Don Antonio Bermejo, former minister of public instruction and minister

of justice in the cabinet of the Argentine Republic, at present professor of international law in the University of Buenos Ayres and deputy in the Argentine Congress; his excellency Señor Don Martín García Mérou, envoy extraordinary and minister plenipotentiary of the Argentine Republic to the United States and to Mexico, and Señor Doctor Don Lorenzo Anadón, president of the faculty of letters in the university and national senator.

Bolivia was represented by his excellency Señor Don Fernando E. Guachalla, envoy extraordinary and minister plenipotentiary of Bolivia to the United States and to Mexico.

Brazil was represented by Senhor Don José Hygino Duarte Pereira, a justice of the supreme court of Brazil, and, during the conference until his death, envoy extraordinary and minister plenipotentiary of Brazil to Mexico.

The delegates from Colombia were his excellency Señor Doctor Don Carlos Martínez Silva, envoy extraordinary and minister plenipotentiary of Colombia to the United States, who was a delegate from Colombia to the First International American Conference, and Señor General Don Rafael Reyes, commander in chief of the Colombian army and primero designado for the presidency of the Republic, who is well known on account of his explorations of the river systems of South America.

Costa Rica was represented by his excellency Señor Don Joaquín Bernardo Calvo, envoy extraordinary and minister plenipotentiary of Costa Rica to the United States and to Mexico, who was secretary of the Costa Rican delegation in the First International American Conference.

The delegation from Chile consisted of Señor Don Alberto Blest Gana, who retired from the Chilean diplomatic service in 1886, after having filled many important posts; his excellency Señor Don Emilio Bello Codecido, envoy extraordinary and minister plenipotentiary of Chile to Mexico; his excellency Señor Don Joaquín Walker Martínez, envoy extraordinary and minister plenipotentiary of Chile to the United States, and Señor Don Augusto Matte, formerly minister of foreign relations of Chile, deputy and senator in the Chilean Congress, and later minister to European capitals.

The delegates of Santo Domingo were Señor Don Federico Henríquez y Carvajal, his excellency Señor Don Luis Felipe Carbo, the delegate to the conference from Ecuador, and Señor Don Quintín Gutiérrez, the consul-general of Santo Domingo in Mexico.

The delegate of Ecuador was his excellency Señor Don Luis Felipe Carbo, envoy extraordinary and minister plenipotentiary of Ecuador to the United States and to Mexico.

El Salvador was represented by his excellency Señor Doctor Don Francisco A. Reyes, minister of foreign relations of El Salvador, primero designado for the presidency of the Republic, and, during the conference, envoy extraordinary and minister plenipotentiary of El Salvador to Mexico, and Señor Doctor Don Baltasar Estupinian.

The delegates from the United States were Mr. Henry G. Davis, of West Virginia, formerly a United States Senator from that State, a member of the First International American Conference, and a member of the Intercontinental Railway Commission; Mr. William I. Buchanan, of Iowa, formerly envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic; Mr. Charles M. Pepper, of the District of Columbia; Mr. Volney W. Foster, of Illinois,

and Mr. John Barrett, of Oregon, formerly minister resident of the United States to Siam.

Guatemala was represented by his excellency Señor Dr. Don Antonio Lazo Arriaga, envoy extraordinary and minister plenipotentiary of Guatemala to the United States and to Mexico, and Señor Coronel Don Francisco Orla, of the Guatemalan army.

The delegate from Haiti was his excellency Monsieur le Docteur J. N. Léger, envoy extraordinary and minister plenipotentiary of Haiti to the United States.

The delegates from Honduras were Señor Doctor Don José Leonard and Señor Doctor Don Fausto Dávila.

Mexico was represented by Señor Lic. Don Genaro Raigosa, a senator in the Mexican Congress and a member of the Permanent Tribunal of Arbitration of The Hague; Señor Lic. Don Joaquín D. Casasús, a jurist and political economist, who represented Mexico in the International Monetary Conference at Brussels; Señor Lic. Don José López-Portillo y Rojas, a deputy in the Mexican Congress; Señor Lic. Don Emilio Pardo, jr., a deputy in the Mexican Congress; Señor Lic. Don Pablo Macedo, a retired lawyer of wide learning, who represented Mexico in the Hispano-Americano Conference in Madrid in 1899; Señor Lic. Don Alfredo Chevaro, a deputy in the Mexican Congress and a member of the Permanent Tribunal of Arbitration of The Hague; Señor Lic. Don Francisco L. de la Barra, consulting attorney to the Mexican department of foreign affairs; Señor Lic. Don Manuel Sánchez Mármol, a deputy in the Mexican Congress, and Señor Lic. Don Rosendo Pineda, a deputy in the Mexican Congress.

The delegate from Nicaragua was his excellency Señor Don Luis F. Corea, envoy extraordinary and minister plenipotentiary of Nicaragua to the United States and to Mexico.

The delegate of Paraguay was his excellency Señor Don Cecilio Baez, envoy extraordinary and minister plenipotentiary of Paraguay to Mexico.

Peru was represented by Señor Doctor Don Isaac Alzamora, vice-president of Peru; Señor Doctor Don Alberto Elmore, justice of the supreme court of Peru, and his excellency Señor Doctor Don Manuel Alvarez Calderón, envoy extraordinary and minister plenipotentiary of Peru to the United States and to Mexico.

The delegate from Uruguay was his excellency Señor Doctor Don Juan Cuestas, envoy extraordinary and minister plenipotentiary of Uruguay to the United States and to Mexico.

Venezuela was represented by Señor Doctor Don José Gil Fortoul, who has filled several important posts in the diplomatic service of Venezuela, and Señor Doctor Don M. M. Galavís.

The conference was called to order by his excellency Señor Lic. Don Ignacio Mariscal, minister of foreign affairs of Mexico, in an address in which he referred to the results of the First International American Conference and predicted success for the second conference. He spoke of Mexico's confidence in the friendly character of the gathering and welcomed the delegates in the name of the Government and the people of Mexico. Señor Alzamora, chairman of the Peruvian delegation, replied to Señor Mariscal, reechoing his predictions that the conference would be harmonious and successful, and thanking Señor Mariscal and, through him, the Government and people of Mexico for their hospitable welcome to the delegates.

Señor Raigosa, chairman of the Mexican delegation, was chosen temporary president, and the conference then proceeded to its permanent organization by the election of his excellency Señor Lic. Don Ignacio Mariscal, minister of foreign affairs of Mexico, and Hon. John Hay, Secretary of State of the United States honorary presidents; Señor Lic. Don Genaro Raigosa, of Mexico, president; Senhor Don José Hygino Duarte Pereira, of Brazil, first vice-president, and Señor Doctor Don Baltasar Estupinian, of Salvador, second vice-president.

The President's instructions to the delegates of the United States are attached hereto in full as Appendix B.

Under the rules adopted 19 committees were appointed and the work of the conference was apportioned among them. The results of the conference are represented by the following protocol, treaties, conventions, resolutions, and recommendations:

Protocol of adhesion by the American Republics to the convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899 (Appendix C); Treaty of compulsory arbitration, signed by 10 delegations (Appendix D); Treaty for the arbitration of pecuniary claims (Appendix F); Resolution favoring the construction of the Pan-American Railway (Appendix G); Resolution providing for an international American customs congress (Appendix H); Resolution for the consideration by the customs congress of means to facilitate American international commerce (Appendix I); Resolution on quarantine and international sanitation (Appendix J); Resolution providing for the reorganization of the International Bureau of the American Republics (Appendix K); Resolution providing for the collection and publication of more complete information regarding the sources of production and statistics of the American Republics (Appendix L); Resolution providing for an international American congress to consider the crisis in the coffee industry (Appendix M); Recommendation for the establishment of an international American archaeological commission (Appendix N); Resolution indorsing the construction of an interoceanic canal by the Government of the United States (Appendix O); Recommendation for the establishment of an international American bank (Appendix P); Resolution of greeting to the future republic of Cuba (Appendix Q); Recommendation in favor of the Philadelphia Commercial Museum (Appendix R); Resolution indorsing the Louisiana Purchase Exposition (Appendix S); Resolution congratulating the officials of the Pan-American Exposition and the citizens of Buffalo (Appendix T); Resolution communicating to the American Republics the invitation of the International Association of Olympic Games to them to participate in the games to take place in Chicago in 1904 (Appendix U); Resolution thanking Gen. Rafael Reyes for his work in exploring the river systems of South America, and commending his work to the several Governments (Appendix V); Resolution congratulating Mr. Santos Dumont, the Brazilian aeronaut, (Appendix W); Resolution expressing esteem for Mr. Carlos Calvo, the Argentine writer on international law (Appendix X); Resolution thanking the officers of the conference (Appendix Y); Resolution thanking the president of Mexico and other officials for their hospitality to the conference (Appendix Z); Treaty for the extradition of criminals and for protection against anarchy (Appendix A A); Convention for the practice of the learned professions (Appendix B B); Convention for the formation of codes of public and private inter-

national American law (Appendix C C); Convention on literary and artistic copyrights (Appendix D D); Convention for the exchange of documents and government publications (Appendix E E); Treaty on patents and trade-marks (Appendix F F); Convention on the rights of aliens (Appendix G G); Resolution providing for future international American conferences (Appendix H H).

#### ARBITRATION.

Discussion between the representatives of the Republics that would constitute the conference began months previous to its opening upon the subject of arbitration, and while every desire was manifested then and thereafter by all to see a conclusion reached by the conference in which all might join, unsettled questions existed between some of the Republics that would participate in the conference of a character that made their avoidance difficult in any general discussion of the subject. Inasmuch as these questions could not be properly discussed by the conference upon their merits, as they were beyond the scope of the authority conferred upon any of the delegations, excepting those directly interested, the preparation of the programme for the conference was a task of delicacy and difficulty, since all desired to prepare one that would satisfy both sides to the controversy in question between two of the Republics.

This difficulty became more apparent as the conference proceeded with its work, so that, while it added interest to the discussion among delegates of the subject of the results to be hoped for as to arbitration, it was equally an element of possible danger to the success of the conference. In considering the subject of procedure in the conference it was agreed by all that it was most desirable to provide, as far as possible, against the possibility of acrimonious debates arising upon the subject of arbitration, since no change in the opinion of delegates could be hoped for therefrom, while, on the contrary, they might easily lead to conflicts of opinion that would be far from beneficial, either to the Republics represented or to the success of the conference as a whole. It was tacitly agreed between delegations, therefore, that the discussion of the subject should be confined, so far as possible, to a committee, and in order that this committee might fully represent the conference it was composed of 18 members, one from each of the 19 delegations in the conference, Ecuador and Santo Domingo being represented by the same delegate. The members of this committee were: On the part of the Argentine Republic, Señor Bermejo; on the part of Bolivia, Señor Guachalla; on the part of Brazil, Senhor Hygino Duarte Pereira; on the part of Colombia, Señor Martínez Silva; on the part of Costa Rica, Señor Calvo; on the part of Chile, Señor Blest Gana; on the part of Santo Domingo and Ecuador, Señor Carbo; on the part of El Salvador, Señor Estupinian; on the part of the United States, Mr. Buchanan; on the part of Guatemala, Señor Lazo Arriaga; on the part of Haiti, Mr. Léger; on the part of Honduras, Señor Dávila; on the part of Mexico, Señor Pardo; on the part of Nicaragua, Señor Corea; on the part of Paraguay, Señor Baez; on the part of Peru, Señor Alzamora; on the part of Uruguay, Señor Cuestas, and on the part of Venezuela, Señor Fortoul.

All projects referring to arbitration and all communications relating thereto were referred to this committee. Among these a carefully



prepared project submitted by the Mexican delegation was of great merit and interest. This had been prepared by the Mexican Government wholly from a desire on their part that it might possibly be found of value as the basis upon which some general arbitration scheme could be built up.

The first meetings of the committee on arbitration showed conclusively that the committee was too large to satisfactorily deal with the subject; that if the idea of limiting the discussion of the subject to the committee was to be attempted it would have to be abandoned, since the rules of the conference provided that all delegates might be present at the meeting of any committee, the result being, therefore, that the discussion would be to all intents as public in the committee as it would be in the conference, since there would be left outside only the representatives of the press, who found no difficulty in forecasting, with some degree of accuracy, the plans and purposes of the conference, amid the large number of persons with whom they were daily brought in contact. It was therefore decided at the second meeting of the committee, upon the motion of the delegate from the United States, that a subcommittee of 7 should be created and that the full committee should not thereafter be called together until their subcommittee had prepared a report for submission to the full committee; and that the subcommittee should study all projects submitted to the full committee and endeavor, if possible, to present a unanimous agreement. In the formation of this subcommittee the views of the different delegations regarding the scope within which the application of the principle of arbitration should go were fairly represented; hence this subcommittee of 7 represented in reality the views and opinion of the entire conference with regard to the subject. The subcommittee was composed of the following delegates: Mr. Buchanan, of the United States; Señor Bermejo, of the Argentine Republic; Señor Hygino Duarte Pereira, of Brazil; Señor Blest Gana, of Chile; Señor Lazo Arriaga, of Guatemala; Señor Pardo, of Mexico, and Señor Alzamora, of Peru.

The full committee held but two sessions and the subcommittee but six. During these the subcommittee found it impracticable to anticipate a unanimous agreement among its members. It was informally agreed to, hence, without such fact being expressed by any delegate, that no further sessions of the subcommittee would be held until some plan had been evolved by some of its members that would appear likely to meet the support of practically all delegations.

There was at no time any difficulty with regard to securing a unanimous report favoring a treaty covering merely arbitration as a principle; all delegations were in favor of that. The point of discussion was as to the extent to which the principle should be applied. Concerning this, three views were supported in the conference:

(a) Obligatory arbitration, covering all questions pending or future when they did not affect either the independence or the national honor of a country;

(b) Obligatory arbitration, covering future questions only and defining what questions shall constitute those to be excepted from arbitration; and

(c) Facultative or voluntary arbitration, as best expressed by The Hague convention.

The delegation of the United States, through Mr. Buchanan, its representative on the committee and subcommittee, advocated the signing of a protocol affirming the convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, as the solution which not only gave promise of securing unanimity of action by the conference but the widest results for good. In addition it was proposed to request the Governments of the United States and of Mexico, parties to that convention, to negotiate with the signatory countries thereto for the adhesion of the American republics, and to include an article in the protocol providing that—

In order that the widest and most unrestricted application of the principle of just arbitration may be satisfactorily and definitely brought about at the earliest possible day, and, to the end that the most advanced and mutually advantageous form in which the said principle can be expressed in a convention to be signed between the American republics may be fully ascertained—

That—

The President of Mexico is hereby most respectfully requested to ascertain, by careful investigation, the views of the different governments represented in the conference regarding the most advanced form in which a general arbitration convention could be drawn that would meet with the approval and secure the final ratification of all the countries in the conference, and, after the conclusion of this inquiry, to prepare a plan for such a general convention as would apparently meet the wishes of all the republics; and, if possible, arrange for a series of protocols to carry the plan into execution; or, if this plan should be found to be impracticable, then to present the correspondence with a report to the next conference.

Notwithstanding the provision made for negotiations by the President of Mexico looking to the furthest possible step in the direction of compulsory arbitration that would receive the unanimous approval of all the American republics, this plan at first encountered much opposition from the advocates of that form of arbitration. They insisted upon a distinct recognition by the conference of the principle for which they contended. It soon became apparent to them, however, that no plan of obligatory arbitration could be devised that would satisfy the supporters of the two views under (a) and (b) above, since certain nations which would have been willing to have signed a treaty for compulsory arbitration would have required that it should contain exceptions so broad as practically to have made resort to it purely voluntary. On the other hand, that form of treaty would not have satisfied the advocates of unrestricted arbitration and would hence have failed to afford a basis for any possible unanimity of action, a result so much desired by all.

A plan was finally suggested providing that all delegations should sign the protocol for adhesion to the convention of The Hague, as originally suggested by the United States delegation, and that the advocates of obligatory arbitration sign, between themselves, a project of treaty obligating their respective governments to submit to the permanent court at The Hague all questions arising or in existence, between themselves, which did not affect their independence or their national honor. Both the protocol and treaty were then to be brought before the conference, incorporated in the minutes without debate or action, and sent to the minister of foreign relations of Mexico, to be officially certified and transmitted by that official to the several signatory governments.

After prolonged negotiations this plan was adopted and carried out as outlined above, all of the delegations in the conference, excepting those

of Chile and Ecuador, signing the protocol covering adherence to The Hague convention before its submission to the conference. These, after a protracted debate on a point of order involving the plan adopted, later accepted in open conference a solution which made them—as they greatly desired to be, in another form than that adopted—parties to the protocol. The project of treaty of compulsory arbitration was signed by the delegations of the Argentine Republic, Bolivia, Santo Domingo, El Salvador, Guatemala, Mexico, Paraguay, Peru, Uruguay, and Venezuela.

It is to be noted that the Venezuelan Government withdrew its delegation from the conference on January 14, 1902, making the withdrawal retroactive to and from December 31, 1901. This action, no doubt, invalidates the adherence of that country to both the protocol and treaty, and equally places that Government outside the project of treaty unanimously approved by the conference, referred to hereafter, covering the arbitration of private pecuniary claims for damages against the signatory governments.

The text of the protocol (Appendix C) and of the project of treaty of obligatory general arbitration (Appendix D) are attached hereto, together with the minutes of the conference showing the debate and action thereon (Appendix E).

By the above plan the conference attained the highest possible end, and for the first time each of the American Republics, as a result of that action, takes her place by the side of the other countries of the world in favor of international arbitration; more than this, by the unanimous acceptance thus of The Hague convention on the part of the 19 Republics represented in the conference, it is given that force and character which places it to-day as the formal expression of the governments of the entire civilized world in favor of peace. The delegates of the United States believe, hence, that substantial progress and a noteworthy and historic step in advance has been taken in the interests of peace, and that means have been provided by which wars will be rendered less frequent, if not wholly avoided, between the countries of the Western Hemisphere. The opening of the doors of the permanent tribunal of The Hague to all of the Republics of America, as this protocol has done, is of itself an achievement of the greatest importance. As a result of this action the American Republics now have at their command the machinery of that great international body for the pacific settlement of any dispute they may desire to refer to arbitration. Beyond this, the obligations imposed by their adhesion to the convention to have recourse, as far as circumstances allow, to the good offices or mediation of any one or more friendly powers, and to permit these offers to be made without considering them unfriendly, is certainly a point of great value gained by all.

In addition to accepting The Hague convention the conference went further. It accepted the three Hague conventions as principles of public American international law, and authorized and requested the President of the Mexican Republic, as heretofore explained, to enter upon negotiations with the several American Governments looking toward the most unrestricted application of arbitration possible should the way for such a step appear open.

In addition to the protocol and treaty referred to, another step was taken in the direction of the settlement of international controversies by the adoption and signing, on the part of every country represented

in the conference, of a project of treaty covering the arbitration of pecuniary claims. Under this the several republics obligate themselves for a period of five years to submit to the arbitration of the court at The Hague all claims for pecuniary loss or damage which may be presented by their respective citizens and which can not be amicably adjusted through diplomatic channels, when such claims are of sufficient importance to warrant the expense of arbitration. Should both parties prefer that a special jurisdiction be organized according to article 21 of the convention of The Hague this may be done, and if the permanent court of The Hague shall not be open to one or more of the signatory republics for any cause, they obligate themselves to stipulate then in a special treaty the rules under which a tribunal shall be established for the adjustment of the matter in dispute and the form of procedure to be followed in such arbitration.

As a supplement to the protocol and treaty above referred to, this project of treaty is of great importance and will most certainly be of wide benefit to the good relations and intercourse between the United States and her sister republics of this hemisphere. That this project of treaty is looked upon by others as a wise and desirable step in advance may be seen from the following reference thereto, made by the Mexican minister of foreign affairs in his closing address as honorary president of the conference, who, after referring to the attitude of the Mexican Government upon the general subject of arbitration and to the signing of the obligatory arbitration treaty by certain of the delegations, said:

Nevertheless, this is not the principal triumph obtained in the matter of arbitration. That triumph undoubtedly is the unanimous agreement of all the delegations, in spite of their apparently radical divergence as to the application of that great principal, to submit for settlement to the permanent arbitration court of The Hague all controversies that may arise among the governments of America due to the claims of private individuals for indemnities and damages. As those claims, at least in America, and in cases where powerful nations are involved, are without question the most frequent source of international controversies, the importance of this achievement can not be doubted. When the convention in question once comes into force, all these complaints and claims which oftenest inflame the minds of statesmen and embitter international relations will be settled peacefully in the manner dictated by equity and the highest considerations of expediency.

This broad and rational view is one your delegation believes will find a sincere echo and response on the part of our Government and people and those of each of the Republics represented in the conference.

#### INTERNATIONAL COMMERCIAL INTERCOURSE.

The delegates desire especially to direct attention to the action of the conference in dealing with the subjects relating to international commercial intercourse. The following from the report of the committee on commerce and reciprocity was taken by the conference as its guide in considering these subjects:

That one of the tangible results of the present conference will be the fraternal intercourse of the nations represented in it, founded upon a better knowledge of their resources, of their tendencies, and even of their representative men, which intercourse will produce among them the security of a lasting peace based upon mutual esteem.

And that this—

for its part will bring nearer the period in which a more complete development of their unexploited and almost inexhaustible elements will induce them to favor the

extension of their railroads and navigation lines and will lead all the nations of this continent, necessarily and happily, to broader and more liberal usages than those that have been customary up to this time in the exchange of their natural and manufactured products.

This report further expressed the belief that the bringing about of closer commercial relations "in harmony with the spirit of the age" could best be aided by an—

adhesion to the system of celebrating treaties of commercial reciprocity, as a favorable foundation for the encouragement of the sentiments of union among the Republics of America, with the understanding that these treaties be founded upon a careful study of the interests of the nations that may conclude them, so that the concessions granted in them may be mutually compensated, in order that they may be permanent and may constitute in a lasting manner a facility for international trade.

The conference sought to initiate action in harmony with these views that would tend to facilitate the growth of trade in every way possible between the several American nations. Hence it favored the establishment of additional lines of rail and water communication; the creation of an International American Bank, and provided for a special technical Congress to be held in New York to consider the simplification and unification of custom-house and port regulations, the adoption of a common commercial nomenclature, the dissemination of more complete information regarding the resources and statistics of the American nations, and a conference to be held in Washington looking to the adoption of such measures of sanitation as will permit the relaxation or removal of present quarantine restrictions. It is the hope of the delegates of the United States that, so far as these recommendations of the conference meet the approval of the Department, steps may be taken to make them effective with the least possible delay.

#### PAN-AMERICAN RAILWAY.

Among the most important recommendations made by the First International American Conference, held in Washington in 1889-90, with a view to facilitating trade and communication between the American Republics, was that looking to the construction of an intercontinental railway, by which all of the republics on the American continent would be put into rail communication with each other. In pursuance of the recommendations of that conference, an international railway commission was organized, and under its direction surveys were made which showed that it would be entirely practicable, by using, as far as possible, existing railway systems and filling in the gaps between them, to secure rail communication between the existing systems of the United States and the Argentine Republic, connecting with all the principal railway systems of Mexico and Central and South America on the way. The report of the intercontinental railway commission showed that the distance between New York and Buenos Ayres by way of the proposed line would be 10,471 miles, of which a little less than one-half had then been constructed, leaving about 5,456 miles to be built.

Following up the work of the first conference and the intercontinental railway commission, the present conference adopted a strong report and a series of carefully considered recommendations on this subject. It was estimated by the committee submitting the report that by the construction of railways in the various countries since the surveys were made under the direction of the intercontinental railway commission there now remain to be built about 5,000 miles. Estimating the cost

at \$40,000 per mile, a higher estimate than was made by the intercontinental commission, the committee found that not more than \$200,000,000 would be required to complete this great work, and the opinion was expressed in their report that no great difficulty should be found in financing such a project.

The resolutions adopted by the conference reaffirm the principal recommendations made by the first conference that the railroad, in so far as the common interests will admit, should connect the principal cities in the vicinity of its route; that if this can not be done without too much diversion of the main line, branch lines should be built to connect those cities with the main line; that existing railways should be utilized as far as practicable; that all materials necessary for the construction and operation of the road should be exempt from import duties, subject to proper regulations; that all personal and real property of the road employed in its construction and operation should be exempt from all taxation, either national, provincial (State), or municipal, and that the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or by the guaranteeing of a minimum interest on the capital invested in each country.

The resolutions further recommend that traffic in transit through the different republics shall not pay customs dues or taxes of any other kind, and that all persons favoring the construction of the railway earnestly endeavor to procure from their respective Governments the granting of the concessions recommended or such other aid as may be found to be most convenient and feasible in each country.

The conference resolved that the Government of the United States of America be invited to initiate, with the diplomatic representatives of the other republics accredited in Washington, the adoption of measures for sending within one year to the various republics competent and reliable persons, whose duty it shall be to accurately determine the resources of the different countries and the condition of the railway lines in operation, the existing conditions of commerce, and the prospects for business for an intercontinental line; and also to ascertain what concessions or assistance each of the governments is willing to grant to the enterprise.

For the purpose of having a body of men specially interested in the building of the road charged with looking after the work until the meeting of the next conference, the resolutions provided that the president of the conference should appoint a committee of five persons residing in the United States of America, which committee should have power to increase the number of its members and to substitute them whenever necessary; to appoint subcommittees, and to report to the next conference on the results of its labors. It is to furnish all possible information on the work of the intercontinental railway and to aid and stimulate the execution of the project as much as possible; and, in accord with the Secretary of State of the United States and with the diplomatic representatives of the interested countries accredited in Washington, it may cause to be convoked within one year an assembly composed of duly authorized representatives of all the republics of this continent, for the purpose of perfecting a convention to arrange for the construction of the proposed intercontinental railway.

In pursuance of this provision, the president of the conference named as the members of the committee Mr. Henry G. Davis, of

West Virginia, the chairman of the delegation of the United States in the conference, and chairman of the committee which submitted the railway report and the resolutions adopted by the conference; Mr. Andrew Carnegie, of New York; Señor Don Manuel de Azpiroz, ambassador extraordinary and plenipotentiary of Mexico to the United States; Señor Doctor Don Manuel Alvarez Calderón, envoy extraordinary and minister plenipotentiary of Peru to the United States, and Señor Doctor Don Antonio Lazo Arriaga, envoy extraordinary and minister plenipotentiary of Guatemala to the United States.

#### CUSTOMS CONGRESS.

The resolution already referred to providing for the meeting of an international American customs congress in the city of New York within a year, to consider customs administrative matters, is one of the subjects on which early action should be taken by our Government if the success of the congress is to be assured. The governing board of the International Bureau of the American Republics is to fix the date for the meeting of this congress, which is to be composed of one delegate or more to be appointed by each government from among its customs officials, consuls, presidents or members of chambers of commerce, prominent merchants, or other persons possessing technical and special knowledge of customs matters.

This congress will have nothing whatever to do with the subject of tariff rates in any of the countries represented. Its functions are clearly defined by the resolution reported by the committee on commerce and reciprocity and by the recommendations of the committee on water transportation, both of which were adopted by unanimous votes of the conference. These functions, briefly stated, are to consider means for bringing about, as far as may be practicable, the adoption by the several republics of uniform and simple methods of custom-house procedure and a uniform and simple system of port regulations and charges; measures to secure the adoption and use in customs schedules and laws of a common nomenclature of the products and merchandise of the American republics, to be issued in English, Spanish, Portuguese, and French, and that it may become the basis for the statistical data of exports and imports; to provide for the organization of a permanent customs committee or commission, composed of persons having technical and expert knowledge, which, as a dependency of the International Bureau of the American Republics, or otherwise, shall be charged with the execution of the resolutions and decisions of the congress and the study of the customs laws of the American republics in order to suggest to the several governments the adoption of laws and measures which, with regard to custom-house formalities, may tend to simplify and facilitate mercantile traffic.

Each Government is requested to have the commercial nomenclature already published by the International Bureau of the American Republics in English, Spanish, and Portuguese carefully gone over, and is to send to the International Bureau of the American Republics as soon as possible the corrections it may think proper to recommend in the said nomenclature. The Bureau is to present these suggestions to the customs congress, together with a French translation of the nomenclature. This resolution is one of great importance, and the United States delegates heartily and earnestly ask that the necessary steps

be taken looking to the participation of our Government in the said congress and to the calling together of that body by the International Bureau of the American Republics.

#### QUARANTINE AND SANITATION.

Another resolution which contemplates that early action must be taken by the several Governments is that regarding quarantine and sanitary matters. In dealing with this subject the object of the conference was to make sanitation take the place of quarantine. When the ideal had in view by the conference shall have been realized the cities of the Western Hemisphere will have been put in such perfect sanitary condition that the propagation of disease germs in them will be impossible and quarantine restrictions upon travel and commerce, with their vexatious and burdensome delays and expenses, will be unnecessary.

Recognizing that this ideal has not yet been realized and that quarantines must still be maintained, the conference has recommended that all measures relating to international quarantine should be wholly within the control of the national Governments; that each Government establish in its ports but two kinds of detention—(a) that for inspection or observation, and (b) that for disinfection; that quarantine regulations by the several Governments be so framed as to interfere no more than may be absolutely necessary with travel and commerce; that the several Governments cooperate with each other and lend every possible aid to the municipal, provincial, and local authorities within their respective limits toward securing and maintaining efficient modern sanitary conditions in their ports and territories, to the end that quarantine restrictions may be reduced to a minimum and finally abolished; that the health organizations of each country shall notify the diplomatic or consular representatives of the other Republics of the existence or progress within its territory of cholera, yellow fever, bubonic plague, smallpox, or any other serious outbreak; and that it shall be made the duty of the sanitary authorities in each port, prior to the sailing of a vessel, to note on her bill of health the transmissible diseases which may exist in such port at that time.

What was regarded by the conference as a very important feature of this resolution is the provision for the calling, by the governing board of the International Bureau of the American Republics, of a general convention of the representatives of the health organizations of the several Republics to meet in Washington, D. C., within one year from the date of the passage of the resolution, the delegates to this convention to be empowered by their respective Governments to conclude such sanitary agreements and regulations as in the judgment of the convention shall be for the best interests of all the Republics; further, that this convention shall provide for holding subsequent sanitary conventions at such regular times and at such places as may be deemed best by the convention; that it shall designate a permanent executive board of not less than five members, to be known as the "International Sanitary Bureau," with permanent headquarters at Washington, D. C.; and that the Republics are to transmit to this Bureau all data of every character relating to the sanitary condition of their ports and territories, and are to furnish it every facility for a thorough and careful study and investigation of any outbreak of pesti-



lential disease within their limits, so that the Bureau may be enabled to lend its best aid and experience as the circumstances may require. Each Government is to bear the expense of its delegates to the convention and of its member of the International Sanitary Bureau, but the office expenses of the Bureau and all expenses of translation, publication, etc., are to be apportioned among the Governments on the same basis as the expenses of the International Bureau of the American Republics are apportioned.

In this connection the delegates of the United States desire to express their appreciation of the services rendered them by Surg. Gen. Walter Wyman, of the United States Marine-Hospital Service, and by Doctor Eduardo Liceaga, president of the superior board of health of the Mexican Republic, and of the personal assistance of P. A. Surg. Milton J. Roseneau, of the United States Marine-Hospital Service, sanitary attaché of the delegation.

#### REORGANIZATION OF THE INTERNATIONAL BUREAU OF THE AMERICAN REPUBLICS.

The conference fully recognized the value and importance to all the Republics of the International Bureau of the American Republics, which was established in Washington in pursuance of the action of the First International American Conference. The Mexican Government assigned two rooms adjoining the conference hall to the Bureau for the installation of a reference library composed of books from the library of the Bureau in Washington. This reference library was freely used by the delegates to the conference, and was highly appreciated. The secretary of the Bureau, Mr. Williams C. Fox, was in attendance on the conference, and was given a seat on the floor.

With a view to rendering the Bureau still more useful to all the countries represented in its administration, and making it still more valuable in establishing and maintaining closer relations between them, the conference adopted a plan of reorganization, or rather of broadening and expanding the existing organization, which, it is believed, will increase the efficiency of the Bureau and enable it to discharge to better advantage the duties with which it has heretofore been occupied as well as the many new and important duties imposed upon it by the conference. One of the aims had in view in the adoption of the plan of reorganization was the making of the management of the Bureau more truly international.

The new regulations adopted provide that the Bureau shall be under the management of a governing board to be composed of the Secretary of State of the United States, who is to be its chairman, and the diplomatic representatives in Washington of all the other Governments represented in the Bureau. This governing board is to meet regularly once a month, excepting in June, July, and August of each year, and is to hold special meetings at any time on the call of the chairman or on the request of any two members. The merit system of filling positions in the Bureau is adopted, and it is provided that all applicants shall be examined to determine their fitness for the places for which they apply. All appointments are to be made by the governing board, and are to be signed by its chairman. The governing board, with the assistance of the Director of the Bureau, is to prepare annually an itemized budget estimating the expenses of the Bureau for the suc-

ceeding year, and this budget is to be transmitted to each Government together with a statement of the amount to be paid by such Government on the basis of the existing apportionment of the expenses of the Bureau. Each Government is to transmit the amount of its assessment to the Secretary of State of the United States six months in advance. The governing board may at any time delegate one or two of its members to examine the accounts of the Bureau.

The Bureau is given authority to correspond, through the diplomatic representatives of the several Governments in Washington, with the executive departments of those Governments, and is required to furnish such information as it possesses, or can obtain, to any of the Republics requesting it. Each of the Republics agrees to facilitate the gathering of information by the Bureau; to promptly send to it two copies of each of its official publications for preservation in its library, and to supply such information as, from time to time, may be requested by the director. Provision is made for the continuation of the publication of the Monthly Bulletin of the Bureau in English, Spanish, Portuguese, and French, and for the publication of such maps, topographical and geographical charts, and other publications as the Governing Board may direct. All of the publications of the Bureau are to be kept free from advertising as soon as the existing contracts for advertising in the Bulletin expire. The publications of the Bureau are to be considered public documents and are to be carried free in the mails of all the Republics. The director of the Bureau may attend the meetings of the governing board and all its committees and, also, the sessions of the International American Conferences for the purpose of giving information. The Bureau is made the custodian of the archives of the International American Conferences. The Bureau is especially charged with the performance of the duties imposed upon it by the conference.

The duties specifically imposed upon the Bureau and its governing board by the conference are: The carrying out of the provisions of the resolution adopted looking to the collection, compilation, and dissemination of more complete statistical data and information regarding the resources of the several Republics; the fixing of the date for, and, if called upon, the performance of the general executive work of, the customs congress to meet in the city of New York, in accordance with the resolution on that subject; the fixing of the date for, and the performance of the general executive work of, the sanitary convention to be called in accordance with the resolution on quarantine and sanitation; the fixing of the date for, and the performance of the general executive work of, the commission to meet in the city of New York to investigate the crisis in the coffee industry, in accordance with the resolution adopted on that subject, and the keeping of the accounts of the American International Archaeological Commission.

In addition to these duties specifically prescribed by the conference, the committee on the reorganization of the International Bureau of the American Republics, in the report accompanying the plan of reorganization, recommended to the governing board of the Bureau that it should collect, compile, and keep on file, and should publish, to such an extent as may be practicable, information regarding commercial laws; the banks of the American Republics, their capital stock and deposits; the patent laws of the several countries, changes in said laws, patents granted, and decisions of the courts of the several Republics in patent litigation; complete monthly reports of exports and imports

of the several Republics; the arrivals and departures of vessels from ports of the American Republics, with their tonnage; the length, stated in miles and kilometers, of railway, street railway, telegraph, and telephone lines in the several Republics, with complete data as to the new lines projected or being built; information regarding new enterprises of a private character, so far as it can be obtained; information regarding new public works of all kinds; the most complete vital statistics of each of the Republics and of its important cities that can be obtained, and such other information as the director, with the approval of the governing board, may determine.

The governing board of the International Bureau of the American Republics has already taken up the new duties imposed upon it by the action of the conference, and is making the preliminary arrangements for the meeting of the customs congress, the international sanitary convention, and the congress to consider the crisis in the coffee industry provided for in the resolutions adopted by the conference.

#### SOURCES OF PRODUCTION AND STATISTICS.

The resolution of the conference on sources of production and statistics may properly be regarded as supplementary to that on the reorganization of the International Bureau of the American Republics, inasmuch as that Bureau is charged with the duty of carrying out the provisions of the resolution. It provides that each of the American Governments shall send, from time to time, at least once in each year, to the International Bureau of American Republics, the most complete information and statistical data possible with regard to its population and natural resources, as well as the statistical matter on manufactures and commerce and on any other matters which it may deem useful for the development of the economic relations of America. The Bureau is charged with giving special attention to obtaining the statistical data referred to; and, as soon as the same are received, is to classify properly, arrange, and publish them.

The data on weights and measures are to be given according to the decimal system, with a statement of their equivalents according to the system of each nation which may have a different system. In expressing values the gold coin of the United States of America is to be taken as a basis with a statement of its relation to the standards of the other nations at the average rate of exchange for the current year. In order to obtain uniformity in the statements of value of articles of international commerce, the value of each article is to be stated at its value in the gold coin of the United States of America on board ship at the port of its destination (shipment). It is recommended by this resolution that the several Republics renew and send, from time to time, to the permanent exhibitions already established or to be established on the American Continent, samples of their natural and industrial products, accompanying them with such information as may tend to the development of their reciprocal commerce, without prejudice to the separate exhibitions which all or any of the Republics may wish to establish.

#### COMMISSION TO STUDY COFFEE PRODUCTION AND CONSUMPTION.

A resolution was adopted by the conference providing for the calling by the International Bureau of the American Republics of a commission to be composed of delegates from all the Republics, possessing

technical and expert knowledge regarding the production, distribution, and consumption of coffee, to meet in the city of New York within a year from the close of the conference, to investigate the causes of the crisis through which the coffee industry is now passing and to propose practical means to prevent or abate the same.

#### INTERNATIONAL ARCHÆOLOGICAL COMMISSION.

In order that the archæological and ethnological remains existing in the territory of the several Republics of the Western Hemisphere might be systematically studied and preserved, the conference adopted a resolution providing for the meeting of an American international archæological commission in the city of Washington, D. C., within two years from the date of the adoption of the resolution. This commission is to be composed of one delegate or more from each Republic; it is to meet at least once in each year; it is to have power to appoint subcommissions to be charged especially with explorations and with the cleaning and preservation of the ruins of the principal prehistoric cities, establishing at each of them a museum to contain objects of interest found in the locality; and it is to endeavor to establish, in the city selected by the majority of the Republics, an American international museum, which is to become the center of all the investigations and interpretations of the evidence of prehistoric American civilization. Each government is to defray the expenses of its representatives on the commission, and the general expenses of the commission are to be apportioned among the Republics on the same basis as the expenses of the International Bureau of the American Republics are apportioned. The International Bureau of the American Republics is made the accounting department of the commission.

#### INTEROCEANIC CANAL.

The conference gave its most hearty indorsement to the project for the construction of an interoceanic canal by the Government of the United States. A resolution applauding the purpose of the United States Government to construct such a canal was presented to the conference with the signatures of each delegation except that of the United States. This resolution was given immediate consideration and was at once adopted unanimously and by acclamation. This action on the part of the conference was appreciated by the delegation of the United States and was duly acknowledged by Mr. Volney W. Foster, who, speaking for the delegation, said:

In behalf of the delegation of the United States, I desire to express their sincere appreciation of the very high compliment that has been paid to our Government for its prospective energy and its purpose in this beneficent undertaking, and to express the belief that it will serve every peaceful purpose of mankind and add to those facilities that bring nations together and secure peace for the world.

#### INTERNATIONAL AMERICAN BANK.

The recommendation of the conference that there be established in New York, Chicago, San Francisco, New Orleans, Buenos Ayres, or any other important mercantile center a bank with branches in the principal cities in the American republics is in line with the similar resolution adopted by the First International American Conference in

Washington in 1889-90. The conference recommended that this bank should be assisted by the republics of America in every way compatible with the internal legislation of each country. The object of the conference in adopting this recommendation was to encourage the establishment of a banking institution that, by making possible direct financial transactions between all of the American republics and adopting uniform rules for the granting of credits and for charging commissions, would tend to encourage industry and develop mercantile relations among all of the republics.

#### GREETINGS TO THE FUTURE REPUBLIC OF CUBA.

The conference took note of the fact that a new member, the republic of Cuba, is about to enter into the family of American republics, and unanimously and by acclamation adopted a resolution, offered by Mr. Charles M. Pepper, on behalf of the delegation of the United States, expressing the most sincere sentiments of respect and good will for the new republic, and providing that the president of the conference should convey to the future president of the new republic its earnest well wishes for the happy discharge of the duties of his high office, as well as its good wishes for the prosperity of the future republic of Cuba. This resolution was officially transmitted by the president of the conference to Brig. Gen. Leonard Wood, military governor of Cuba, to be delivered by him to the president of the republic of Cuba when that government shall have been inaugurated.

#### THE PHILADELPHIA COMMERCIAL MUSEUM.

The conference, by a resolution, recommended to the several governments the advisability of adopting measures looking to the speedy completion and renewal of the collections of their products exhibited in the Commercial Museum at Philadelphia and the transmission to it of such data, reports, and official publications of a general character as will tend to favor and increase mercantile traffic.

#### LOUISIANA PURCHASE EXPOSITION.

The members of the conference manifested much interest in the Louisiana Purchase Exposition, to be held in St. Louis, and unanimously adopted a resolution expressing full appreciation of the efforts of the city of St. Louis and its inhabitants, with the aid of the Government of the United States, to prepare for the holding of the exposition.

#### OTHER RESOLUTIONS.

The conference also adopted resolutions congratulating the president, the director-general, Mr. William I. Buchanan, and the other employees of the Pan-American Exposition and the inhabitants of the city of Buffalo on the success of the Pan-American Exposition of 1901; communicating to the American republics the invitation of the International Association of Olympic Games to participate in the games to take place in Chicago in 1904; thanking Gen. Rafael Reyes, one of the delegates from Colombia, for the excellent paper he read to the conference on the explorations of the South American rivers

made by himself and his brothers, Enrique and Néstor; recommending to the governments of the several republics interest in the publication of the results of these explorations and the circulation of the publication as widely as possible, and providing for a memorial tablet to be provided by the delegates to the conference and to be placed by the Government of Colombia on the grave of Enrique and Néstor Reyes, who lost their lives on the expedition; congratulating the Brazilian aeronaut, Mr. Santos-Dumont, on his achievements in aerial navigation; offering a testimonial of esteem to the eminent Argentine writer on international law, Mr. Carlos Calvo; thanking the president, secretary-general, and other officers of the conference for their uniform courtesy and for the ability and efficiency with which they discharged their duties; and thanking the President of the Republic of Mexico and his cabinet, the governor of the federal district, the city council of the City of Mexico, and the governors of the States of Puebla, Veracruz, Jalisco, and Nuevo Leon for their hospitality to the members of the conference.

#### TREATIES AND CONVENTIONS.

In addition to the protocol for the adhesion of the American republics to the convention of The Hague, the treaty of compulsory arbitration, signed by nine delegations, and the treaty for the arbitration of pecuniary claims, the conference agreed to and signed a treaty for the extradition of criminals, following closely the lines of the recent extradition treaties entered into between the United States and the Argentine Republic and Mexico, including a clause making anarchy an extraditable offense when it shall have been defined by the legislation of the respective countries; a convention on the practice of the learned professions, providing for the reciprocal recognition of the professional diplomas and titles granted in the several republics; a convention for the formation of codes of public and private international law, providing for the appointment by the Secretary of State of the United States and the diplomatic representatives of the other American republics accredited in Washington of a committee of five American and two European jurists of acknowledged reputation, to be intrusted with the drafting, during the interval from the present to the next conference, of a code of public international law and a code of private international law to govern the relations between the American nations; a convention on literary and artistic copyrights, providing for the international recognition and protection of the rights of literary and artistic property; a convention for the exchange of official, scientific, literary, and industrial publications, providing for the transmission by each government to each of the others of five copies of each of the parliamentary, administrative, and statistical documents published by the respective governments, works of all kinds published or subsidized by the Governments, and geographical maps, topographic plans, and other works of this kind; a treaty on patents of invention, industrial drawings and models, and trade-marks, providing for the international recognition and protection of the rights of industrial property of these kinds; and a convention on the rights of aliens.

The delegation of the United States abstained from voting for or signing the treaty on patents and trade-marks and the convention on the rights of aliens. In the first instance this abstention was not in

the nature of a dissent. The treaty came up for consideration in one of the closing sessions of the conference, when there was not sufficient time to consider it in its bearings on all the complications of the patent laws of the United States, and it was considered best that the delegation should abstain from action, with the clear understanding that this course was not to be construed as one of antagonism to the treaty. A statement to this effect was made to the conference by Mr. Volney W. Foster, on behalf of the delegation.

The abstention from voting for and signing the convention on the rights of aliens was in the nature of a dissent from some of the principles involved. This was clearly stated to the conference, on behalf of the delegation, by Mr. William I. Buchanan, who said:

I think every delegate here is familiar with the position of the Government of the United States on the matters treated of in this project, and I rise merely to say, on behalf of the delegation, that, inasmuch as it will be impossible for us to assent to a very large portion of this report, this delegation will abstain from taking any part in the debate and from voting on the project in whole or in part.

#### CONVENTION ON THE PRACTICE OF THE LEARNED PROFESSIONS.

Owing to their belief with regard to the distinct advantages that it will bring to the young men of the United States, the delegates desire to direct attention to the convention on the practice of the learned professions. This convention will undoubtedly receive the sanction of the other Republics, because it is, to all intents and purposes, similar to the treaty adopted by the Congress of Montevideo covering the same subject. In so far as the United States is concerned, however, it is a great improvement on that treaty because of the fact that, by the terms of the present convention, the United States can become a participant in its benefits, whereas, under the Montevidean treaty, that was rendered impossible. In order that the benefits of this convention may be taken advantage of by the graduates from our universities and institutions of learning, it will be necessary, in addition to the general approval of the convention on the part of our Government, that our different States and Territories enact such legislation as will enable a person from one of the other Republics, holding a diploma from one of their national universities, to have it accepted here.

If this is done the entire Latin-American field will be open to the graduates of the universities and professional schools of this country. The convention provides that, as between the other Republics, the diplomas and professional titles granted by their competent national authority shall be valid in each, provided the laws of such countries do not require the practitioner to be a citizen. The right is reserved to each country, however, to require a general examination before granting authority for the practice of any profession related to medicine or surgery, including pharmacy. Each Government is to notify the others which are the diplomas and titles granted in its territory which are to be entitled to recognition under the treaty.

It was a matter of considerable difficulty to apply this convention to the United States, because of the fact that we have no national university, as have the other Republics, but State control of the practice of the professions. This difficulty was overcome by incorporating a provision by which the other Republics agree to recognize the diplomas granted by recognized institutions of learning in our States and Territories and in the District of Columbia when their legislation

offers reciprocity in the same regard. Each country is to select those institutions of learning in such State, Territory, or the District of Columbia the diplomas and titles of which it will recognize, but any institution not so recognized which may deem itself of sufficient importance to warrant such recognition may solicit it by a petition, which shall be passed upon by each government as it may deem proper.

It will be seen from the above that in order that the institutions of learning in any State or Territory or in the District of Columbia may avail themselves of the advantages of this convention legislation must be enacted providing for the recognition in such State or Territory or in the District of Columbia of the diplomas and titles which the other Governments ratifying the convention may certify to the Secretary of State of the United States as being entitled to such recognition. This legislation must be certified to the Secretary of State of the United States, who will then inform the other Governments. These Governments will then name the institutions in such State or Territory or in the District of Columbia the diplomas and titles of which they will respectively recognize.

#### FUTURE INTERNATIONAL AMERICAN CONFERENCES.

From the beginning of the conference the opinion was unanimous among delegates that future conferences should be held, and many delegates believed the interval between such future conferences should not be so long as that between the first and second conferences. It was recognized that the action of the second conference on many matters could not be final and that it ought to be followed up by further action by a subsequent conference. Some of the projects adopted provided specifically for such action by subsequent conferences. It was also recognized that matters not considered by the second conference might assume such importance in the future as to render their consideration by representatives of all the Republics desirable.

To meet these conditions, as well as to give continuity to the idea of cooperation among the American Republics in matters of common interest to all, it was believed that a future conference should be called, and it was decided that not more than five years should intervene between the adjournment of the second conference and the meeting of the third, unless it should be found, at the expiration of five years, that a postponement would be desirable for any reason.

The first conference, held in Washington in 1889-90, did not provide any method for the calling of future conferences, and as a result more than eleven years intervened between the adjournment of the first conference and the meeting of the second conference. To avoid this in the future a resolution was unanimously adopted providing that the Third International American Conference shall meet within five years at a place to be selected by the Secretary of State of the United States and the diplomatic representatives of the other American Republics accredited in Washington; provided that if it should be impossible for the meeting to take place in five years another date may be designated by the Secretary of State of the United States and the diplomatic representatives in Washington, who are also authorized to prepare the programme and arrange other necessary details for the meeting. It was also resolved that it be recommended to each government that it present to the next conference a complete report of all that has been



done by it in compliance with the recommendations adopted by the first and second conferences.

This will call for a report from each government showing what has been done by it looking to carrying out the recommendations of the conference in regard to the construction of the intercontinental railway and the establishment of an international American bank, and, also, what has been done by it in pursuance of the recommendations it is expected the customs congress, the international sanitary convention, and the international archaeological commission will make. In addition to this the special committee on the intercontinental railway is to report its action to the next conference and the Mexican Government is to submit a report of its action under the provisions of the protocol for adhesion to the Convention of The Hague, charging it with the duty of negotiating the most advanced form of general arbitration treaty which will meet with the support of the several American Governments.

#### GEOGRAPHICAL CONGRESS OF RIO DE JANEIRO.

While it is not, strictly speaking, an act of the conference, a convention signed by the delegations of the Argentine Republic, Bolivia, Colombia, Ecuador, Paraguay, and Uruguay for the convening of a geographical congress at Rio de Janeiro within a year from the date of the convention merits attention on account of its great prospective commercial importance not only to the signatory countries but to the other countries of the world as well. This congress is to consider means for opening up a great system of river highways throughout the interior of South America which will bring practically all parts of the great river basins east of the Andes Mountains into communication with each other and with the Atlantic Ocean. The signing of this convention was the direct result of the reading before the conference by Gen. Rafael Reyes, of Colombia, of an exhaustive account of the explorations of the river systems of South America which he made in conjunction with his brothers, Enrique and Néstor Reyes. General Reyes showed that it would be possible at relatively small expense to connect the three great river systems of South America—those of the Orinoco, the Amazon, and the Plata—so as to convert them into a great network of navigable highways.

The congress to meet at Rio de Janeiro is to consider means for the realization of this great project. It is to organize exploring expeditions, to make estimates of the expenditures that will be required, to fix the amount that each of the interested countries is to contribute to meet these expenditures, to organize an international bureau to compile the data obtained as a result of the explorations, and to submit to the interested Governments a general project for doing the work, and to consider all matters that may tend to bring about the completion of the project with the least possible delay.

#### MEXICAN HOSPITALITY.

The delegates desire especially to express their most grateful appreciation of the courtesy extended by the Mexican Government in preparing for the comfort of delegates and in all the arrangements for the conference. Every convenience at the command of that Government was placed at the disposal of delegates to assist them in the

discharge of their labors. This great kindness and the constant consideration shown delegates by the Mexican Government not only greatly aided in the success of the conference but will always remain with your delegates as a delightful memory.

Aside from the generous treatment thus accorded the conference by the Mexican Government, the members of the several delegations, with their families, were splendidly entertained by His Excellency the President of the Republic and by Mrs. Diaz, both in the national palace and the historic castle at Chapultepec; by members of the President's cabinet, by the city council of the City of Mexico, by the governor of the federal district, and by the members of the Mexican delegation to the conference. In addition to these constant marks of courtesy the Mexican Government arranged for and carried out in a most sumptuous manner railway excursions to the cities of Puebla, Orizaba, Guadalajara, and Monterey. The delegations were delightfully and lavishly entertained at each of these points by the governors of the different States in which these cities are located.

The delegates also desire to express their appreciation of the many courtesies extended them by Gen. Powell Clayton, ambassador extraordinary and plenipotentiary of the United States to Mexico, and of the valuable assistance rendered to them by the ambassador and the staff of the embassy.

#### THE RESULTS OF THE CONFERENCE.

It is the belief of the delegates of the United States that the results of the Second International American Conference will be of great and lasting benefit to the nations participating in its deliberations. It is no reflection on the First International American Conference to say that the work of the second conference will be of more practical value to to the Governments interested than was that of the first conference. This is true partly because the present conference, with the example of its predecessor before it, has been able to improve upon its methods, but largely for the reason that, as a result of the first conference, it had ready at its command the machinery of the International Bureau of the American Republics for putting its resolutions into immediate effect.

That the relations between the American Republics have been improved as a result of the conference can not be doubted. The intimate daily association, for nearly four months, of leading men from every American Republic of itself tended toward this result. Delegates learned that while existing international relations made differences of opinion inevitable between the representatives of some of the countries, they all had many interests in common. As a result, toleration for the opinions of others was shown by delegates to a marked degree, and the sessions of the conference were remarkably free from acrimonious debates and reflections on the policies of delegations or their Governments.

The adhesion of all of the American Republics to The Hague convention and the framing of the project of treaty for the arbitration of pecuniary claims will stand as the most notable advance that has been made in the direction of the pacific settlement of international disputes between the nations of the Western Hemisphere, and the action of the conference on matters relating to trade and commerce was such

as will tend to increase the prosperity of each country and bring it into closer trade relations with all of the other American Republics. The good that will follow the action of the conference must depend, in great measure, upon the cooperation of the several Governments in making the acts of the conference effective, and your delegates desire to express, in the strongest terms, the hope that the Government of the United States will take such action with regard to the several acts of the conference as may be necessary to make them effective, so far as this can be done by the action of a single government. It is hoped that, so far as action by the Congress of the United States may be necessary in this connection, such action will be taken promptly.

In concluding this report your delegates desire to express to the Secretary of State and, through him, to the President of the United States their grateful appreciation of the high honor conferred upon them by their selection to represent their Government in this important conference, and to express their hope that their efforts to carry out the wishes of the President may to some degree merit approval.

We have the honor to be, sir, very respectfully, your obedient servants,

H. G. DAVIS,  
WM. I. BUCHANAN,  
CHARLES M. PEPPER,  
VOLNEY W. FOSTER,  
JOHN BARRETT,

*Delegates of the United States to the  
Second International Conference of American States.*

JOHN CASSEL WILLIAMS,  
*Secretary of the Delegation.*

Hon. JOHN HAY,  
*Secretary of State, Washington.*

#### APPENDIX A.

*Note of invitation sent by the Government of Mexico to the ministers plenipotentiary of the Republics of North, Central, and South America.*

OFFICE OF THE MINISTER  
OF FOREIGN AFFAIRS,  
*Mexico, August 15, 1900.*

YOUR EXCELLENCY: The Mexican ambassador, as well as all the American representatives in Washington, has received from the Government of the United States a circular in which is proposed a meeting, as soon as practicable, of a second American International

*Note de invitación dirigida por el Gobierno Mexicano á los señores ministros de relaciones de las Repúblicas de Norte, Centro, y Sud América.*

SECRETARÍA DE RELACIONES  
EXTERIORES.  
*México, Agosto 15 de 1900.*

SEÑOR MINISTRO: El Embajador mexicano, al par de todos los representantes americanos en Washington, recibió del Gobierno de los Estados Unidos una circular en que se proponía la reunión, tan pronto como fuera practicable, de una segunda Conferencia Interna-

Conference, similar to that held in the year 1889, although not in the same city, but in one of the other capitals of the New World. Shortly afterwards the honorable Secretary of State, in a conversation with our ambassador, informed him of the great pleasure it would give his Government if the City of Mexico was named as the place in which the proposed meeting should be held.

On learning of this conversation I stated in the name of the President of the Republic that if the greater part of the Governments interested were willing to name this capital as the place where the conference was to be held it would give us the greatest pleasure, and we should appreciate as an honor the visit of the delegates sent by our sister Republics of America; but, if for such an interesting congress, some other city was named, no matter which, we would send our delegates.

Finally, the majority of the American representatives accredited at Washington, following the instructions of their respective Governments, designated this capital with the aforesaid object, and we thank them for the honorable distinction, which, although without having been solicited, is highly appreciated and accepted with true fraternal sentiments.

Without referring to the object of an assembly of such noteworthy interest, its main features having been fully explained in 1889 in numerous minutes and publications, I take the liberty to inclose a programme of the different subjects treated, and approved by those persons to whom I have heretofore referred. It will be sufficient to state that the different matters taken up at that meeting were undoubtedly of the greatest importance for the promotion of intelligent and friendly rela-

cional Americana, semejante á la que se tuvo el año de 1889, pero ya no en dicha ciudad, sino en alguna otra de las capitales del Nuevo Mundo. Poco después el Honorable Secretario de Estado dió á conocer á nuestro Embajador, en una conversación, la complacencia con que su Gobierno vería que la ciudad de México fuese elegida por sitio á propósito para la reunión proyectada.

Al dárseme cuenta de esa conversación, cumplí con un deber, manifestando, en nombre del Presidente de la República, que si la mayoría de los Gobineros interesados elegía esta capital para la conferencia, nos causaría el mayor placer y apreciaríamos como una honra, la visita de los Delegados que enviaran nuestras hermanas las Repúblicas de América; pero que si para tan interesante Congreso era designada otra ciudad, cualquiera que fuese, con gusto enviaríamos allá á nuestros Delegados.

Por fin, la mayoría de los representantes americanos acreditados en Washington, siguiendo las instrucciones de sus respectivos Gobiernos, señaló esta Capital para el expresado objeto; señalamiento que agradecemos como una honrosa distinción, la cual, si bien no fué solicitada, es recibida con el mayor aprecio y con sentimientos verdaderamente fraternales.

Poco diré acerca del objeto de una asamblea que ofrece tan notorio interés, porque sus fines trascendentales quedaron explicados ampliamente en 1889, así por la convocatoria como por las actas y las numerosas publicaciones á que dió margen. Además, me permito acompañar el programa de los asuntos que en ella han de tratarse, aprobado por las mismas personas á que antes me he referido. Baste decir que todas las materias que en él se tocan son, á no dudarlo, de la mayor importancia para la

tions between the American Republics.

Certain it is that the coming conference can not discuss all and each of these matters, at least if besides those considered as the principal ones it should be thought advisable to embrace the ones which were simply touched upon and remained pending at the close of the meeting. But even if only a few are now to be decided, the resolutions of the assembly, when faithfully practiced, shall constitute so many steps in the direction of harmony between the nations of the world discovered by Columbus; the ideas advanced that will serve as an example to other nations, showing them the enormous benefits to be derived from true and pure ideas of human brotherhood.

Although an appalling pessimism declares useless all endeavors to realize among men the predominance of justice, and gives preference to might over right, it must be borne in mind that the constant assertion of sane theories and their official sanction by the Governments through agreements or declarations made by common accord, which morally bind them, notwithstanding the means to compel to their observance be lacking, will work a powerful opinion, aiming at extirpating the most deep-rooted evils, as has been the case with slavery and other aberrations that it was necessary to remove in the names of reason and philosophy. And, in truth, to arrive at this common understanding, to sanction these conventions, or at least prepare their sanction, there is no better way than a liberal discussion at these conferences or congresses, in which one and all the delegates, with equal rights, can defend their opinions, bring-

buena inteligencia y fraternales relaciones entre las Repúblicas á quienes concierne.

De seguro, que la conferencia próxima no podrá discutir todas y cada una de esas materias, al menos si, fuera de las designadas como principales, se quisiera abarcar las simplemente aludidas y que se refieren á cuantas dejó sin resolver la primera conferencia, ó que de algún modo quedaron pendientes después de sus trabajos. Mas por pocas que fueren las que ahora queden resueltas, las decisiones de la asamblea, una vez que fielmente se practiquen, constituirán otros tantos pasos avanzados en el camino de la armonía entre los pueblos del mundo de Colón: morales adelantos que podrán servir de ejemplo á los demás pueblos, mostrándoles de bulto los beneficios de la verdadera y hasta ahora puramente ideal fraternidad humana.

Por más que un pesimismo desconsolador declare inútiles los esfuerzos dirigidos á realizar entre los hombres el predominio de la justicia y la prescripción de la fuerza como substituto del derecho, es preciso convenir en que la afirmación constante de sanas teorías y su sanción oficial por los Gobiernos, mediante convenios ó declaraciones en común que moralmente los obliguen, siquiera falte el medio de compelerlos á su observancia, irán labrando una opinión tan poderosa que acabe por extirpar los abusos más arraigados, como ha sucedido con la esclavitud y otras aberraciones que parecían baluartes inexpugnables para la razón y la filosofía. Y en verdad que, para llegar á esa comun inteligencia, para sancionar esos convenios, ó preparar al menos su sanción, no hay otro medio más adecuado que las conferencias ó congresos en que se discuta libremente; en que todos y cada uno de los delegados, con igual de-

ing their share of knowledge and sentiments in favor of general welfare.

On the other hand, in such a meeting as is proposed, the sympathies inspired by mutual communication are strengthened and cultivated, be they of language or race, or of political institutions, to-day substantially identical in the nations of this hemisphere, and without the pretention to form a world apart, nor forgetting that civilization came to us from Europe, and that the greatest interests of humanity are the same, we may be permitted to recall that in America there are special and entailed interests of great importance to its inhabitants, and with fewer international complications, whereby the nations are benefited. This consideration, prudently applied, gives results that should offend no one, or place us in conflict with the rights of others, because we are inspired by the dictates of justice and by a more complete notion of liberty, far from all exclusion, be it of language, religion, or origin.

Confident that these ideas will find an echo in the sentiments of your illustrious Government, I have the honor to address your excellency, by request of the President of the United States of Mexico, inviting the Government of ----- to send its delegates to the Second American International Congress that will meet in this city on the 22d day of October, 1901, assuring you, from this time, that your delegation will receive the most cordial welcome.

I avail of this opportunity to have the honor of assuring your excellency of my most distinguished consideration.

IGNACIO MARISCAL.

recho, puedan defender sus opiniones, trayendo su contingente de saber y de sentimiento en pro del bien general.

Por otra parte, en una reunión como la que se proyecta, se cultivarán y fortalecerán de nuevo las simpatías que nos inspiran mutuamente la comunidad ya sea de lengua y de raza, ya sea de instituciones políticas, hoy substancialmente idénticas en las naciones de este hemisferio; y sin la pretensión de formar un mundo aparte, no olvidando que la civilización nos vino de Europa y que los grandes intereses de la humanidad son unos, nos permitiremos reconocer que en América hay intereses especiales y vínculos más estrechos entre sus habitantes, con menos complicaciones internacionales para alcanzar el bien de los pueblos. Esta consideración, prudentemente aplicada, nos llevará á resultados que á nadie ofendan ni nos pongan en conflicto con los derechos de nadie, porque hemos de inspirarnos en los dictados de la justicia y en la más completa noción de la libertad, lejos de todo exclusivismo, ya sea de lengua, de religión ó de origen.

Confiado en que estas ideas hallarán un eco en los sentimientos de ese ilustrado Gobierno, tengo la honra de dirigirme á vuestra Excelencia, por acuerdo del Presidente de los Estados Unidos Mexicanos, invitando al Gobierno de ----- para enviar sus delegados á la Segunda Conferencia Internacional Americana que se reunirá en esta ciudad, el 22 de Octubre de 1901; asegurándole desde ahora, que su Delegación recibirá la más cordial bienvenida.

Con este motivo, me complazco en protestar á Vuestra Excelencia mi más distinguida consideración.

IGNACIO MARISCAL.

## APPENDIX B.

*The President's Instructions.*

EXECUTIVE MANSION,  
Washington, October 8, 1901.

*The Honorable the Secretary of State.*

SIR: An international conference of the American States having been proposed by the executive committee of the International Union of American Republics, to be held in Mexico in October, 1901, and the Government of the United States having accepted an invitation to send delegates thereto, my predecessor in office has designated as delegates to that conference Henry G. Davis, of West Virginia; William I. Buchanan, of Iowa; Charles M. Pepper, of the District of Columbia; Volney W. Foster, of Illinois; and John Barrett, of Oregon.

The commission above-named will act under the direction of the Department of State, to which it will make all necessary reports, and which will arrange for the transportation and entertainment of its members and for such clerical service as it may require, in accordance with an act of Congress making provision for this purpose.

The end toward which the proposed conference is directed is the promotion of the mutual prosperity of the American Republics and of harmony between them. The interests likely to be affected by its discussions and conclusions are (1) political, (2) commercial, and (3) special. The general principles which should guide the delegates in the performance of their duties may therefore be indicated under these heads.

## I.—POLITICAL QUESTIONS.

The chief interest of the United States in relation to the other Republics upon the American continent is the safety and permanence of the political system which underlies their and our existence as nations—the system of free self-government by the people. It is therefore to be desired that all the American Republics should enjoy in full measure the blessings of perfect freedom under just laws, each sovereign community pursuing its own course of orderly development without external restraint or interference. To this condition of security the peace and prosperity of all our neighbors will materially contribute. Every failure on their part to maintain social order, every economic distress which might give rise to domestic disturbance, every discord between them which could impede their industries, menace their stability, or bring upon them the calamity of foreign interference would be a misfortune to us. It should therefore be the effort of this commission to impress upon the representatives of our sister Republics of Central and South America that we desire, above all, their material prosperity and their political security, and that we entertain toward them no sentiments but those of friendship and fraternity.

The method by which this result may be best accomplished is not, however, that of direct assurance, but of generous cooperation for the common good, and sincere interest in the efforts and aspirations of our

neighbors to attain it. It is not, therefore, opportune for the delegates of the United States to assume the part of leadership in the conference, either in its official organization or in its discussions—a position which naturally belongs to Mexico, the inviting nation and host of the occasion. It is desirable that the plans and propositions of the Latin-American States should be solicited, received with consideration, and if possible brought to fruition—if this can be done in consonance with our national interests and without offense to other powers. Great care should be taken not to wound the sensibilities of any of the Republics, or to take sides upon issues between them, but to treat them with frankness, equity, and generosity, and to disabuse their minds of any false impressions, if such exist, regarding the attitude and purposes of the United States.

Owing to the fact that the executive committee of the union of American Republics is located in Washington, many of the preliminaries to the conference have been conducted here, and the records of that committee show how careful its presiding officer, the Secretary of State, has been to avoid initiative, to leave all to the representatives of the Central and South American Republics, and to harmonize their differences of view in such a manner as to result in the presence of delegates from all the countries invited to the conference. This course of conciliation should be continued, if possible, throughout the conference and every effort made to secure the greatest possible unity of action.

With respect to political differences subsisting between the States of Central and South America, it is important for the commission to proceed with great caution. The general principle should be to enter as little as possible into these questions. At the same time it will be useful to impress upon all the deep interest which the Government of the United States has in the peace and tranquillity of all the American States and in their territorial integrity. While no specific engagements or declarations should be made with regard to such questions, it is desirable to cause it to be generally understood that the quarrels of neighboring States can not be without effect upon the interests of the United States, and that this Government would seriously condemn any attempt to destroy the territorial integrity or to encroach upon the sovereign rights of the existing States, or any conduct on their part which might tend to evoke such a calamity.

The attitude of the United States toward the special questions which have arisen in connection with the territorial difficulties between Chile and Peru will be considered in another place.

Nothing is of greater importance from a political point of view than that the United States should be understood to be the friend of all the Latin-American Republics and the enemy of none. To this end it will be prudent to propose nothing radical, to favor a free expression of views among the delegates of the other powers, and to favor and support only such measures as have the weight of general acceptance and clearly tend to promote the common good.

## II.—COMMERCIAL QUESTIONS.

With reference to questions of a commercial and industrial character, it is important to lay special stress upon the growing desire in the United States to secure the largest mutuality of interest and to avoid



even the semblance of an attempt to obtain unfair advantages for ourselves. The true interest of our people, it is being more and more generally admitted, lies in helping the Latin-American countries with our more advanced industries and our characteristic forms of energy to expand into strong and flourishing communities, and not in seeking to aggrandize ourselves at their expense. In developing closer relations with them we should be most careful of their autonomy. The most beneficent form of Pan-Americanism for ourselves, as well as for our sister Republics, will be found in a free local development over the entire continent. If the influence of the United States spreads southward, it will be a pacific not a hostile influence.

We find in Mexico, the West Indies, and Central America the most gratifying evidence of progress on the part, not only of our manufactures and other products, but of immigration from the United States and the investment of our capital in various forms of industrial enterprise. In Mexico this movement is most marked. Within the past few years our money has flowed into that country in a constantly swelling stream, and is now largely invested in railways, mining, and banking enterprises. The natural result has been a steady increase in friendliness and appreciation of us as a people, and we in turn have benefited greatly by the increase of trade which necessarily grows out of such conditions. In Central America the growth of our business relations is not so marked, but is encouraging. We are fast gaining ground in the trade of the West Indies and are contributing largely to the financial and industrial interests of those islands.

The fact that our trade with South American countries remains nearly stationary is probably to be explained by their greater distance from us, the lack of transportation facilities, and the larger profits to be reaped by exporters in countries which can be reached more expeditiously, or more economically—as, for example, Mexico, Canada, and even the great commercial nations of Europe. It is found, however, that where our goods are properly introduced in South America they obtain a ready sale and speedily become popular. If our manufactures are successfully competing with European industries by their increasing sale in the home markets of the latter, it would seem to be a foregone conclusion that they will also compete with them successfully in distant markets, such as South America; and we may assume that, if the proper means are provided, the volume of our trade with South America will soon grow to large proportions. These means are: Adequate transportation facilities, such as steamship lines, railroads, and an isthmian canal; reciprocal trade relations; participation in the business of banking, and a corps of commercial travelers specially equipped for the Latin-American trade. It is not impossible that, following such development, the magnificent conception of an international railroad connecting the United States with the remotest parts of South America may at last be realized. All such enterprises are deserving of encouragement, but the essential thing in the efforts of our commission at the conference will be to cultivate a sympathetic spirit and endeavor to remove any prejudices that may exist against us as a people, thus sowing the seed of friendly relations, of business confidence, and of permanent feelings of good will.

It is not unworthy of attention that the accentuation of our desire for increased commercial facilities may be misunderstood and awaken the feeling that in wishing to cultivate closer relations with our south-

ern neighbors we are prompted by merely mercenary motives. Such a misconception may be best avoided by giving prominence to the moral as well as the material advantages which these relations would bestow upon all the American nations in the development of their industries and the greater stability of their institutions resulting from a better economic condition. Whatever advantages the extension of trade has to offer are of necessity reciprocal. By opening a wider market to our productions, our sister republics will greatly extend their own. It should be made clear to them that we shall naturally and almost inevitably take most from those who take most from us.

The policy of our Government is well and clearly expressed in the memorable address of our lamented President delivered at Buffalo, in which he said:

We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible it would not be best for us or for those with whom we deal. \* \* \* Reciprocity is the natural outgrowth of our wonderful industrial development.

### III.—SPECIAL QUESTIONS.

1. *Programme.*—If a question should arise regarding the range and character of subjects to be discussed by the conference, or the optional or obligatory nature of the tentative programme sent out by the Mexican Government, or the application of amendments thereto by the executive committee of the Union of American Republics, the commission will hold that it is for the conference to determine, according to the usual rules of deliberative bodies, its competence to take cognizance of and to discuss any matters which may be introduced by the delegates pertinent to the objects for which the conference is called.

2. *Arbitration.*—The Government of the United States is favorable to the pacific settlement of international disputes and will be gratified to see provision for such settlement promoted and applied wherever practicable. In the discussion of this subject and in the formation of any convention that may be proposed relating to it, the commission will be guided by the following general principles: (1) All arbitration should be voluntary; (2) the choice of judges should be left to mutual agreement; (3) the locality in which a tribunal of arbitration is to act, in case one should be instituted, should not be definitely prescribed in a general convention.

3. *The disputes between Peru and Chile.*—While the policy of the United States in advocating the pacific settlement of disputes should be strongly impressed upon our delegates and clearly expressed by them upon proper occasion in the conference, and while the attitude and declarations of the United States at The Hague demonstrate the interest of our Government in providing an international forum whereby two States engaged in a controversy otherwise irreconcilable may have open to them a judicial means of determining the issue according to the principles of justice and with honor to both, it is not the province of a voluntary conference to enforce the employment of these honorable means of settling differences. As regards the present disputes between Peru and Chile, therefore, we can not support the view which would assert the competence of this conference to assume the responsibilities of an arbitral board by taking cognizance of these disputes and providing in terms of their settlement. The delegation of the United

States could not properly join in the assumption of any such function by the conference unless it should appear that such action were to be taken upon the request of both parties for the exercise of its good offices.

The delegates will, therefore, as their prudence may dictate, give such support to the principle of the pacific settlement of disputes as the occasion may seem to justify; but they will refrain from any effort to have the conference take cognizance of any existing controversy with a view to its settlement, unless the good offices of that body are invoked by both the opposing parties. If such a controversy is brought by others before the conference, they will do all in their power to preserve general harmony, and will maintain a strict neutrality.

4. *International court of claims.*—It has been thought that an organized tribunal for the adjustment of indemnity claims arising between the American Republics may not be impracticable and may constitute a distinct advance in the administration of justice by serving to adjust many vexatious differences of this nature which might not readily yield to diplomatic treatment. The expression "court of claims," however, while convenient, is objectionable, partly because certain domestic courts bear that title, and partly because the name, as applied internationally, may easily give rise to misapprehension. A better designation, perhaps, would be a "tribunal of international equity," its precise purpose being to secure equity for those who are believed to have suffered injustice in a foreign country for which there is no existing judicial remedy.

The Government of the United States is favorable in principle to the establishment of such a tribunal for the American Republics, if it is found practicable, but the form in which it should be constituted presents a serious difficulty. It is desirable, if possible, to avoid the well-known evils of mixed commissions, and it would be a great convenience to have a well-conceived permanent tribunal to which questions of indemnity might be referred without the delay of forming a special board of arbitration. The general principles already named under the head of arbitration would also have application here. The constitution of The Hague tribunal may suggest a general plan of organization, particularly as regards its representative idea, each constituent power furnishing one or more members, with provision for constituting a particular bench of judges ad hoc, composed of one, three, five, or seven persons, according to the importance of each particular case. The Government of the United States has no special plan to offer, however, believing it to be preferable that proposals and projects upon this subject should come from the other American states. The success of such a tribunal would depend largely upon the personnel of the court as actually constituted and the public acceptance of its earliest decisions. Opposition would, no doubt, be diminished if the plan presented should be of a tentative character, leaving details to subsequent evolution, as experience might justify. In case a general convention should be formulated by the conference, it would add to the probability of its general ratification if the experiment should be for a limited time and should embody nothing compulsory. Every successful effort to accomplish its purpose would then strengthen its support and gradually commend it to public confidence.

5. *Bureau of American Republics.*—Regarding the reorganization of the Bureau of American Republics, included in the tentative pro-

gramme, the Department of State has no special suggestions to make. The reorganization contemplated has doubtless appeared desirable from the experience of the bureau in dealing with the interests committed to its supervision, and the director, who has probably ascertained the views of the executive committee, will be best qualified to offer suggestions upon this subject.

In conclusion, it is hoped that the personal contact and exchange of views for which the conference affords occasion may tend to tighten the bonds of friendship and good understanding between all the republics represented and give new assurance of the relations of mutual good will and helpfulness which it is designed to cultivate. The delegates will not fail to convey to the President and Government of Mexico the pleasure felt by this Government in accepting the hospitality generously extended to the representatives of the United States, and the gratification afforded by the relations of amity and cordial intercourse now existing between the two Republics.

Very respectfully,

THEODORE ROOSEVELT.

#### APPENDIX C.

*Translation of the Protocol of adherence to the Conventions of The Hague*

*Protocolo de adhesión á las Convenciones de La Haya.*

WHEREAS: The Delegates to the International Conference of the American States, believing that public sentiment in the Republics represented by them is constantly growing in the direction of heartily favoring the widest application of the principles of arbitration; that the American Republics controlled alike by the principles and responsibilities of popular government and bound together by increasing mutual interests, can, by their own actions, maintain peace in the Continent, and that permanent peace between them will be the forerunner and harbinger of their national development and of the happiness and commercial greatness of their peoples;

They have, therefore, agreed upon the following

Considerando: que los Delegados á la Conferencia Internacional de las Repúblicas Americanas creen que la opinión pública en las naciones que aquí representan aumenta de una manera constante, en el sentido de favorecer vivamente la aplicación más amplia de los principios de Arbitramento: que las Repúblicas Americanas dirigidas por los mismos principios y responsabilidades del gobierno democrático y ligadas por crecientes intereses mutuos, pueden por sí mismas conservar la paz del Continente, y que la paz estable entre ellas será el propulsor más eficaz de su desarrollo nacional, así como del bienestar y grandeza comercial de sus pueblos.

En consecuencia convienen en el siguiente:

#### PROJECT.

ART. 1st. The American Republics, represented at the Interna-

#### PROYECTO.

ART. 1º. Las Repúblicas Americanas representadas en la Confe-

## INTERNATIONAL CONFERENCE OF AMERICAN STATES.

tional Conference of American States in Mexico, which have not subscribed to the three Conventions signed at The Hague on the 29th. of July, 1899, hereby recognize as a part of Public International American Law the principles set forth therein.

ART. 2nd. With respect to the Conventions which are of an open character, the adherence thereto will be communicated to the Government of Holland through diplomatic channels by the respective Governments, upon the ratification thereof.

ART. 3rd. The wide general convenience being so clearly apparent that would be secured by confiding the solution of differences to be submitted to arbitration to the jurisdiction of a tribunal of so high a character as that of the Arbitration Court at The Hague, and, also, that the American Nations, not now signatory to the Convention creating that beneficent institution, can become adherents thereto by virtue of an accepted and recognized right; and, further, taking into consideration the offer of the Government of the United States of America and the United States of Mexico, the Conference hereby confers upon said Governments the authority to negotiate with the other signatory Powers to the Convention for the Peaceful Adjustment of International Differences, for the adherence thereto of the American Nations so requesting and not now signatory to the said Convention.

rencia Internacional de México, no signatarias de las tres Convenciones firmadas en La Haya el 29 de Julio de 1899, reconocen los principios consignados en ellas, como parte del Derecho Público Internacional Americano.

ART. 2º. La adhesión respecto de las Convenciones que tienen el carácter de abiertas, una vez ratificadas por los Gobiernos respectivos, será comunicada por éstos y por la vía diplomática al de los Países Bajos para sus efectos.

ART. 3º. Siendo de notoria conveniencia general que las diferencias cuya solución se convenga someter á arbitraje, se confieran á la jurisdicción de un Tribunal de tan alta importancia como lo es la Corte de Arbitramento de La Haya, así como también que las Naciones Americanas no signatarias de la Convención que creó esa benéfica institución, puedan ocurrir á ella en uso de un derecho reconocido y aceptado, y tomando, además, en consideración el ofrecimiento de los Gobiernos de los Estados Unidos de América y de los Estados Unidos de México, la Conferencia confiere á dichos Gobiernos el encargo de negociar con las demás Potencias signatarias de la Convención para el arreglo pacífico de los conflictos internacionales, la adhesión de las Naciones Americanas no signatarias de la misma Convención, que así lo solicitaren.

Por la Delegación de Guatemala: ANTONIO LAZO ARRIAGA, FRANCISCO ORLA. Delegados de México: G. RAIGOSA,<sup>a</sup> E. PARDO (jr.), JOAQUÍN D. CASASÚS,<sup>a</sup> ALFREDO CHAVERO,<sup>a</sup> JOSÉ LÓPEZ-PORTILLO Y ROJAS,<sup>a</sup> PABLO MACEDO,<sup>a</sup> FRANCISCO L. DE LA BARRA,<sup>a</sup> M. SÁNCHEZ MÁRMOL,<sup>a</sup> ROSENDO

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<sup>a</sup> Los Excmos. Señores Delegados cuyos nombres van señalados con asterisco, firmaron el Protocolo el día de su envío á la Conferencia (15 de Enero de 1902).

PINEDA.<sup>a</sup> Por la Delegación Argentina: ANTONIO BERMEJO, LORENZO ANADÓN. Por la Delegación del Perú: ISAAC ALZAMORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE. Por la Delegación del Uruguay: JUAN CUESTAS. El Delegado por Venezuela firma ad referendum; y además advierte que no quedan comprendidas en este tratado, por lo que á su país se refiere las cuestiones de navegación ni las que con ellas se relacionan. Por la Delegación de Venezuela: M. M. GALAVÍS. J. B. CALVO,<sup>a</sup> Delegado de Costa Rica. Delegado de Haití, J. N. LÉGER. Delegados de la República Dominicana: FED. HENRÍQUEZ I CARVAJAL,<sup>a</sup> QUINTÍN GUTIÉRREZ. CECILIO BAEZ, Delegado de Paraguay. FERNANDO E. GUACHALLA, Delegado de Bolivia. BALTASAR ESTUPINIAN, Delegado de El Salvador. RAFAEL REYES,<sup>a</sup> Delegado de Colombia. Por la Delegación de Honduras y como Delegado de Nicaragua, F. DÁVILA.<sup>a</sup> WILLIAM I. BUCHANAN,<sup>a</sup> CHARLES M. PEPPER,<sup>a</sup> VOLNEY W. FOSTER,<sup>a</sup> Delegados de los Estados Unidos de América.

ART. 4th. In order that the widest and most unrestricted application of the principle of just arbitration may be satisfactorily and definitely brought about at the earliest possible day, and, to the end that the most advanced and mutually advantageous form in which the said principle can be expressed in a Convention to be signed between the American Republics may be fully ascertained, the President of Mexico is hereby most respectfully requested to ascertain by careful investigation the views of the different Governments represented in the Conference regarding the most advanced form in which a General Arbitration Convention could be drawn that would meet with the approval and secure the final ratification of all the countries in the Conference, and, after

ART. 4º. Para que se pueda llegar del modo más satisfactorio y rápido á la aplicación más amplia y menos restringida de los principios de justo arbitramento, y con el fin de que se pueda conocer con toda exactitud la forma más adelantada y mutuamente ventajosa en la cual dicho principio pueda ser expresado en una Convención que habrá de firmarse entre las Repúblicas Americanas, se suplica respetuosamente al Presidente de México, se sirva hacer constar, por una cuidadosa investigación, los propósitos de los distintos Gobiernos representados en esta Conferencia, respecto de la forma más

<sup>a</sup> Los Excmos. Señores Delegados cuyos nombres van señalados con asterisco, firmaron el Protocolo el día de su envío á la Conferencia (15 de Enero de 1902).

the conclusion of this inquiry, to prepare a plan for such a General Convention as would apparently meet the wishes of all the Republics; and, if possible, arrange for a series of protocols to carry the plan into execution; or, if this should be found to be impracticable, then to present the correspondence with a report to the next Conference.

MEXICO, *January 15th. 1902.*

adelantada por medio de la cual pudiera concertarse una Convención general de arbitramento, capaz de reunir el voto aprobatorio y la ratificación final de las Naciones representadas en la Conferencia, y que al terminar dicha investigación prepare un proyecto para dicha Convención general que llene las aspiraciones de todas las Repúblicas, y que, si es posible, forme protocolos parciales, á fin de poner en práctica dicho proyecto, ó bien, si esto no fuere practicable, presente á la próxima Conferencia esa correspondencia con el informe respectivo.

México, Enero 15 de 1902.—Delegación de Guatemala: ANTONIO LAZO ARRIAGA, FRANCISCO ORLA. Delegados de México: G. RAIGOSA, JOAQUÍN D. CASASÚS, JOSÉ LÓPEZ-PORTELLO Y ROJAS, E. PARDO (jr.), PABLO MACEDO, ALFREDO CHAVEIRO, F. L. DE LA BARRA, MANUEL SÁNCHEZ MÁRMOL, ROSENDO PINEDA. J. N. LÉGER, Delegado de Haití. Delegación del Perú: ISAAC ALZAMORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE. Delegación de los Estados Unidos de América: WILLIAM I. BUCHANAN, CHARLES M. PEPPER, VOLNEY W. FOSTER. Uruguay: JUAN CUESTAS. Delegación Argentina: A. BERMEJO LORENZO ÁNADÓN. J. B. CALVO, Delegado de Costa Rica. Por la Delegación de Honduras y como Delegado de Nicaragua, F. DÁVILA. CECILIO BAEZ, Delegado del Paraguay. FERNANDO E. GUACHALLA, Delegado de Bolivia. FED. HENRÍQUEZ I CARVAJAL, QUINTÍN GUTIÉRREZ, Delegados de la República Dominicana. RAFAEL REYES, Delegado de Colombia. Delegación de El Salvador: F. A. REYES, BALASAR ESTUPINIAN.

## APPENDIX D.

*Translation of Treaty on Compulsory Arbitration. Tratado de Arbitraje obligatorio.*

CITY OF MEXICO,  
January 29, 1902.

Department of State and of Foreign Affairs.—Mexico.—Bureau for America, Asia, and Oceania.

In order that it be published, together with other documents relating to the Conference, and in compliance with your request, I have the honor of transmitting to you herewith a copy of the Treaty on Compulsory Arbitration, signed by some of the Delegations, which Treaty was sent by you to this Department as a project, for the purpose of raising it to the category of an International Convention.

Please accept the expression of my high esteem.—(Signed.)—MARISCAL.—To the Secretary General of the American International Conference.

ART. 1st. The High Contracting Parties obligate themselves to submit to the decision of arbitrators all controversies that exist, or may arise, among them and which diplomacy cannot settle, provided that in the exclusive judgment of any of the interested Nations said controversies do not affect either the independence or the national honor.

MÉXICO, Enero 29 de 1902.

Secretaría de Estado y del Despacho de Relaciones Exteriores.—México.—Sección de América, Asia y Oceanía.

A fin de que se publique, en unión de otros documentos relativos á la Conferencia, según se ha servido Ud. solicitarlo, tengo el honor de enviarle copia del Tratado de Arbitraje obligatorio suscrito por algunas de las Delegaciones, el cual en forma de proyecto fué remitido por Ud. á esta Secretaría, con el objeto de que fuese elevado á Convención Internacional.

Reitero á Ud. mi atenta consideración.—MARISCAL.—Señor Secretario general de la Conferencia Internacional Americana.—Presente.

Los infrascritos, Delegados á la Segunda Conferencia Internacional Americana por la República Argentina, Bolivia, República Dominicana, Guatemala, El Salvador, México, Paraguay, Perú y Uruguay, reunidos en la ciudad de México, y debidamente autorizados por sus respectivos Gobiernos, han convenido en los siguientes artículos:

ART. 1º. Las Altas Partes Contratantes se obligan á someter á la decisión de árbitros todas las controversias que existen ó lleguen á existir entre ellas, y que no puedan resolverse por la vía diplomática, siempre que á juicio exclusivo de alguna de las Naciones interesadas, dichas controversias no afecten ni la independencia ni el honor nacionales.



ART. 2ND. Independence or national honor shall not be considered as involved in controversies with regard to diplomatic privileges, boundaries, rights of navigation, and validity, construction and enforcement of treaties.

ART. 3RD. By virtue of the power established in Article 26th. of the Convention for the peaceful adjustment of international differences signed at The Hague on July 29th 1899, the High Contracting Parties agree to submit to the decision of the Permanent Court of Arbitration, created by such Convention, all the controversies referred to in the present Treaty, unless either of the parties prefers the establishment of a special tribunal.

In the event that the High Contracting Parties should submit to the jurisdiction of the Permanent Court of The Hague, they accept the precepts of said Convention, both with respect to the organization of the Tribunal as to its procedure.

ART. 4TH. Whenever a special Tribunal should be organized on any account, whether it is so desired by any of the parties, or because the Permanent Court of Arbitration of The Hague should not be opened to them, the procedure to be followed shall be established at the time the arbitration agreement is signed. The Court shall determine the date and place of its sessions and the language to be used, and shall, in every case be invested with the authority to decide all questions relating to its own jurisdiction and even those referring to the procedure of points not considered in the arbitration agreement.

ART. 5TH. If upon organizing a special Tribunal the High Contracting Parties should not agree upon the designation of the arbitrator, the Tribunal shall consist of three judges. Each State shall

ART. 2º. No se considerarán comprometidos ni la independencia ni el honor nacionales en las controversias sobre privilegios diplomáticos, límites, derechos de navegación, y validez, inteligencia y cumplimiento de tratados.

ART. 3º. En virtud de la facultad que reconoce el art. 26 de la Convención, para el arreglo pacífico de los conflictos Internacionales, firmada en La Haya en 29 de Julio de 1899, las Altas Partes Contratantes convienen en someter á la decisión de la Corte Permanente de Arbitraje que dicha Convención establece, todas las controversias á que se refiere el presente Tratado, á menos que alguna de las Partes prefiera que se organice una jurisdicción especial.

En caso de someterse á la Corte Permanente de La Haya, las Altas Partes Contratantes aceptan los preceptos de la referida Convención, tanto en lo relativo á la organización del Tribunal Arbitral, como respecto á los procedimientos á que éste haya de sujetarse.

ART. 4º. Siempre que por cualquier motivo deba organizarse una jurisdicción especial, ya sea porque así lo quiera alguna de las Partes, ya porque no llegue á abrirse á ellas la Corte Permanente de Arbitraje de La Haya, se establecerá, al firmarse el compromiso, el procedimiento que se haya de seguir. El Tribunal determinará la fecha y lugar de sus sesiones, el idioma de que haya de hacerse uso, y estará en todo evento investido de la facultad de resolver todas las cuestiones relativas á su propia jurisdicción y aun las que se refieren al procedimiento en los puntos no previstos en el compromiso.

ART. 5º. Si al organizarse la jurisdicción especial no hubiere conformidad de las Altas Partes Contratantes para designar el árbitro, el Tribunal se compondrá de tres jueces. Cada Estado nom-

appoint an arbitrator who will designate an umpire. Should the arbitrators fail to agree on this appointee, it shall be made by the Government of a third State, to be designated by the arbitrators appointed by the parties. If no agreement is reached with regard to this last appointment, each of the parties shall name a different Power and the election of the third arbitrator shall be made by the two Powers so designated.

ART. 6TH. The High Contracting Parties hereby stipulate that, in case of a serious disagreement or conflict between two or more of them, which may render war imminent, they will have recourse, as far as circumstances allow, to the good offices or the mediation of one or more friendly powers.

ART. 7TH. Independently of this recourse, the High Contracting Parties consider it useful, that one or more Powers, strangers to the dispute, should, on their own initiative, as far as circumstances will allow, offer their good offices or mediation to the States at variance.

The right to offer the Good Offices or Mediation belongs to Powers who are strangers to the conflict, even during the course of hostilities.

The exercise of this right shall never be regarded by either of the contending parties as an unfriendly act.

ART. 8TH. The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ART. 9TH. The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the methods of conciliation proposed by him are not accepted.

ART. 10TH. Good Offices and

brará un árbitro y éstos designarán el tercero. Si no pueden ponerse de acuerdo sobre esta designación, la hará el Jefe de un tercer Estado, que indicarán los árbitros nombrados por las Partes. No poniéndose de acuerdo para este último nombramiento, cada una de las Partes designará una Potencia diferente, y la elección del tercero será hecha por las dos Potencias así designadas.

ART. 6° Las Altas Partes Contratantes estipulan que, en caso de disenso grave ó de conflicto entre dos ó más de ellas, que haga inminente la guerra, se recurra, en tanto que las circunstancias lo permitan, á los buenos oficios ó á la mediación de una ó más de las Potencias amigas.

ART. 7° Independientemente de este recurso, las Altas Partes Contratantes juzgan útil que una ó más Potencias, extrañas al conflicto, ofrezcan, espontáneamente, en tanto que las circunstancias se presten á ello, sus buenos oficios ó su mediación á los Estados en conflicto.

El derecho de ofrecer los buenos oficios ó la mediación pertenece á las Potencias extrañas al conflicto, aun durante el curso de las hostilidades.

El ejercicio de este derecho no podrá considerarse jamás por una ó por otra de las Partes Contendientes como un acto poco amistoso.

ART. 8° El oficio de mediador consiste en conciliar las pretensiones opuestas, y en apaciguar los resentimientos que puedan haberse producido entre las Naciones en conflicto.

ART. 9° Las funciones del mediador cesan desde el momento en que se ha comprobado, ya por una de las Partes contendientes, ya por el mediador mismo, que los medios de conciliación propuestos por éste no son aceptados.

ART. 10. Los buenos oficios y

Mediation, whether at the request of the parties at variance or upon the initiative of Powers, who are strangers to the dispute, have exclusively the character of advice, and never have binding force.

ART. 11TH. The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying or hindering mobilization, or other measures of preparation for war. If mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ART. 12TH. In case of a serious difference endangering peace, and whenever the interested Powers cannot agree in electing or accepting as mediator a friendly Power, it is to be recommended to the States in dispute the election of a Power to whom they shall respectively entrust the mission of entering into direct negotiation with the Power elected by the other interested party, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the contending Powers shall cease all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers.

If these friendly Powers do not succeed in agreeing on a solution that would be acceptable to those in conflict, they shall designate a third that is to act as mediator. This third Power, in case of a definite rupture of pacific relations, shall at all times be charged with the task of taking advantage of any opportunity to restore epace.

la mediación, ya que á ellos se recurra por las partes en conflicto ó por iniciativa de las potencias extrañas á él, no tienen otro carácter que el de consejo, y nunca el de fuerza obligatoria.

ART. 11. La aceptación de la mediación no puede producir el efecto, salvo convenio en contrario, de interrumpir, retardar ó embarazar la movilización ú otras medidas preparatorias de la guerra. Si la mediación tuviere lugar, rotas ya las hostilidades, no se interrumpe por ello, salvo pacto en contrario, el curso de las operaciones militares.

ART. 12. En los casos de diferencias graves que menacen comprometer la paz, y siempre que las Potencias interesadas no pueden ponerse de acuerdo para escoger ó aceptar como mediadora á una Potencia amiga, se recomienda á los Estados en conflicto la elección de una Potencia, á la cual confíen, respectivamente, el encargo de entrar en relación directa con la Potencia escogida por la otra Nación interesada, con el objeto de evitar la ruptura de las relaciones pacíficas.

Mientras dura este mandato, cuyo término, salvo estipulación en contrario, no puede exceder de treinta días, los Estados contendientes cesarán toda relación directa con motivo del conflicto, el cual se considerará como exclusivamente deferido á las Potencias mediadoras.

Si esas Potencias amigas no logren proponer, de común acuerdo, una solución que fuere aceptable por las que se hallen en conflicto, designarán á una tercera, á la cual quedará confiada la mediación.

Esta tercera Potencia, caso de ruptura efectiva de las relaciones pacíficas, tendrá en todo tiempo el encargo de aprovechar cualquiera ocasión para procurar el restablecimiento de la paz.

ART. 13TH. In controversies of an international nature arising from a difference of opinion on points of fact, the signatory Powers consider it useful that the parties who have not been able to come to an agreement by means of diplomacy, should, so far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of those differences, elucidating the facts by means of an impartial and conscientious investigation.

ART. 14TH. The International Commissions of Inquiry are constituted by special agreement. The agreement defines the facts to be examined, and the extent of the Commissioner's powers, and settles the procedure to which they must limit themselves. On the inquiry both sides shall be heard, and the form and periods to be observed, if not stipulated by the agreement, shall be determined by the Commission itself.

ART. 15TH. The International Commissions of Inquiry are constituted, unless otherwise stipulated, in the same manner as the Tribunal of Arbitration.

ART. 16TH. The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may deem possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ART. 17TH. The above mentioned Commissions shall limit themselves to ascertain the truth of the facts alleged, without entering into any other appreciations than those merely technical.

ART. 18TH. The International Commission of Inquiry shall present its report to the Powers w

ART. 13. En las controversias de carácter internacional, provenientes de divergencia de apreciación de hechos, las Repúblicas signatarias juzgan útil que las Partes que no hayan podido ponerse de acuerdo por la vía diplomática, instituyan, en tanto que las circunstancias lo permitan, una Comisión Internacional de Investigación, encargada de facilitar la solución de esos litigios, esclareciendo, por medio de un examen imparcial y concienzudo, las cuestiones de hecho.

ART. 14. Las Comisiones Internacionales de Investigación se constituyen por convenio especial de las Partes en litigio. El convenio precisará los hechos que han de ser materia de examen, así como la extensión de los poderes de los Comisionados, y arreglará el procedimiento á que deben éstos sujetarse. La investigación se llevará á término contradictoriamente; y la forma y los plazos que deben en ella observarse, si no se fijaren en el convenio, serán determinados por la Comisión misma.

ART. 15. Las Comisiones Internacionales de Investigación se constituirán, salvo estipulación en contrario, de la misma manera que el Tribunal de Arbitraje.

ART. 16. Es obligación de las Potencias en litigio, ministrar, en la más amplia medida que juzguen posible, á la Comisión Internacional de Investigación, todos los medios y facilidades necesarios para el conocimiento completo y la exacta apreciación de los hechos controvertidos.

ART. 17. Las Comisiones mencionadas se limitarán á averiguar la verdad de los hechos sin emitir más apreciaciones que las meramente técnicas.

ART. 18. La Comisión Internacional de Investigación presentará á las Potencias que la hayan con-

have constituted it, signed by all its members. This report, limited to the investigation of facts, has in no manner the character of an arbitral award, and it leaves the contending parties at liberty to give it the value they may deem proper.

ART. 19TH. The constitution of Commissions of Inquiry may be included in the Arbitration Bonds, as a previous proceeding, to the end of determining the facts which are to be the subject of the Inquiry.

ART. 20TH. The present Treaty does not abrogate any previous existing ones, between two or more of the Contracting Parties, in so far as they give greater extension to compulsory Arbitration. Neither does it alter the stipulations regarding Arbitration, relating to specific questions which have already arisen, nor the course of arbitration proceedings which may be pending by reason of the same.

ART. 21ST. Without the necessity of exchanging ratifications, this Treaty shall take effect so soon as three States, at least, of those signing it, express their approval to the Government of the United States of Mexico, which shall communicate it to the other Governments.

ART. 22ND. The nations which do not sign the present Treaty, may adhere to it at any time. If any of the signatory nations should desire to free itself from its obligations, it shall denounce the Treaty; but such denouncement shall not produce any effect except with respect to the nation which may denounce it, and only one year after the notification of the same has been made.

Whenever the denouncing nation shall have any arbitration negotiations pending at the expiration of the year, the denouncement shall not have any effect with reference to the case not yet decided.

stituído, su informe firmado por todos los miembros de la Comisión. Este informe, limitado á la investigación de los hechos, no tiene en lo absoluto el carácter de sentencia arbitral, y deja á las Partes contendientes en entera libertad de darle el valor que estimen justo.

ART. 19. La constitución de Comisiones de Investigación podrá incluirse en los compromisos de arbitraje, como procedimiento previo á fin de fijar los hechos que han de ser materia del juicio.

ART. 20. El presente Tratado no deroga los anteriores existentes entre dos ó más de las Partes Contratantes, en cuanto den mayor extensión al arbitraje obligatorio. Tampoco altera las estipulaciones sobre arbitraje, relativas á cuestiones determinadas que han surgido ya, ni el curso de los juicios arbitrales que se siguen con motivo de éstas.

ART. 21. Sin necesidad de canje de ratificaciones, este Tratado estará en vigor desde que tres Estados, por lo menos, de los que lo subscriben, manifiesten su aprobación al Gobierno de los Estados Unidos Mexicanos, el que la comunicará á los demás Gobiernos.

ART. 22. Las Naciones que no subscriban el presente Tratado, podrán adherirse á él en cualquier tiempo. Si alguna de las signatarias quisiere recobrar su libertad, denunciará el Tratado; mas la denuncia no producirá efecto sino únicamente respecto de la Nación que la efectuare, y sólo después de un año de formalizada la denuncia. Cuando la Nación denunciante tuviere pendientes algunas negociaciones de arbitraje á la expiración del año, la denuncia no surtirá sus efectos con relación al caso aun no resuelto.

## GENERAL PROVISIONS.

- I. This Treaty shall be ratified as soon as possible.
- II. The ratifications shall be forwarded to the Department for Foreign Relations of Mexico, where they shall be deposited.
- III. The Mexican Government shall send a certified copy of each of them to the other Contracting Governments.

In virtue whereof they have signed the present Treaty and have attached their respective seals thereto.

Made in the City of Mexico, on the twenty-ninth day of January one thousand nine hundred and two, in one single copy, which shall be deposited in the Department for Foreign Relations of the United Mexican States, a certified copy of which shall be sent, through diplomatic channels, to each of the Contracting Governments.

## DISPOSICIONES GENERALES.

- I. El presente Tratado será ratificado tan pronto como sea posible.
- II. Las ratificaciones se enviarán al Ministerio de Relaciones Exteriores de México, donde quedarán depositadas.
- III. El Gobierno Mexicano remitirá copia certificada de cada una de ellas á los demás Gobiernos Contratantes.

En fe de lo cual han firmado el presente Tratado y le han puesto sus respectivos sellos.

Hecho en la ciudad de México, el día veintinueve de Enero de año de mil novecientos dos en un solo ejemplar que quedará depositado en el Ministerio de Relaciones Exteriores de los Estados Unidos Mexicanos, del cual se remitirá, por la vía diplomática, copia certificada á los Gobiernos Contratantes.

Por la República Argentina,  
(L. s.) (Firmado) ANTONIO BERMEO.

(L. s.) (Firmado) LORENZO ANADÓN.

Por Bolivia,  
(L. s.) (Firmado) FERNANDO E. GUACHALLA.

Por la República Dominicana,  
(L. s.) (Firmado) FEDERICO HENRÍQUEZ I CARVAJAL.

Por Guatemala,  
(L. s.) (Firmado) FRANCISCO ORLA.

Por El Salvador,  
(L. s.) (Firmado) FRANCISCO A. REYES.

(L. s.) (Firmado) BALTASAR ESTUPINIAN.

Por México,  
(L. s.) (Firmado) G. RAIGOSA.  
(L. s.) (Firmado) JOAQUÍN D. CASASÚS.

(L. s.) (Firmado) PABLO MACEDO.  
(L. s.) (Firmado) E. PARDO, jr.  
(L. s.) (Firmado) ALFREDO CHAVEIRO.

# INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Por México—Continua.

(L. s.) (Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS.

(L. s.) (Firmado) F. L. DE LA BARRA.

(L. s.) (Firmado) ROSENDO PINEDA.

(L. s.) (Firmado) M. SÁNCHEZ MÁRMOL.

Por el Paraguay,

(L. s.) (Firmado) CECILIO BAEZ.

Por el Perú,

(L. s.) (Firmado) MANUEL ALVAREZ CALDERÓN.

(L. s.) (Firmado) ALBERTO ELMORE.

Por el Uruguay,

(L. s.) (Firmado) JUAN CUESTAS.

## APPENDIX E.

### ACTAS Y DOCUMENTOS.

### MINUTES AND DOCUMENTS.

#### *Acta núm. 30.*

#### *Thirtieth day.*

Sesión del día 15 de Enero de 1902.

Session of the 15th day of January, 1902.

Presidencia de S. E. el Sr. Lic. D. GENARO RAIGOSA.

Presidency of His Excellency GENARO RAIGOSA.

Estando presentes señores Delegados de diez y siete Repúblicas de Norte, Centro y Sud-America, se abrió la sesión á las 11 a. m.

The session was called to order at 11 a. m. in the presence of delegates from 17 of the North, Central, and South American Republics.

Los Excelentísimos señores Delegados presentes fueron:

Their excellencies the delegates present were as follows:

*Argentina*.—Dr. D. Antonio Bermejo, Dr. D. Lorenzo Anadón.

*Argentina*.—Antonio Bermejo, Lorenzo Anadón.

*Bolivia*.—D. Fernando E. Guachalla.

*Bolivia*.—Fernando E. Guachalla.

*Colombia*.—General D. Rafael Reyes.

*Colombia*.—General Rafael Reyes.

*Costa Rica*.—D. Joaquín Bernardo Calvo.

*Costa Rica*.—Joaquín Bernardo Calvo.

*Chile*.—D. Alberto Blest Gana, D. Emilio Bello Codecido, D. Joaquín Walker Martínez, D. Augusto Matte.

*Chile*.—Alberto Blest Gana, Emilio Bello Codecido, Joaquín Walker Martínez, Augusto Matte.

*Dominicana*.—D. Federico Hen-

*Santo Domingo*.—Federico

riquez y Carbajal, D. Luis Felipe Carbo, D. Quintín Gutiérrez.

*Ecuador*.—D. Luis Felipe Carbo.

*El Salvador*.—Dr. D. Francisco A. Reyes, D. Baltasar Estupinian.

*Estados Unidos de América*.—William I. Buchanan, Charles M. Pepper, Volney W. Foster.

*Guatemala*.—Dr. D. Antonio Lazo Arriaga, Coronel D. Francisco Orla.

*Haiti*.—Dr. D. J. N. Léger.

*Honduras*.—Dr. D. Fausto Dávila.

*México*.—Lic. D. Genaro Raigosa, Lic. D. Joaquín D. Casasús, Lic. D. José López-Portillo y Rojas, Lic. D. Emilio Pardo, jr., Lic. D. Pablo Macedo, Lic. D. Francisco L. de la Barra, Lic. D. Manuel Sánchez Mármol, Lic. D. Rosendo Pineda.

*Nicaragua*.—Dr. D. Fausto Dávila.

*Paraguay*.—D. Cecilio Baez.

*Perú*.—Dr. D. Isaac Alzamora, Dr. D. Alberto Elmore, D. Manuel Alvarez Calderón.

*Uruguay*.—Dr. D. Juan Cuestas.

Leída el acta de la sesión anterior, S. E. el Sr. Walker Martínez, Delegado de Chile, usó de la palabra para hacer constar que S. E. el Sr. Pardo le había reconocido, en la sesión anterior, el derecho que le asistía al reclamar el tiempo bastante para hacerse cargo del artículo reglamentario propuesto. Dijo que, apoyándose en el precedente establecido en días pasados por S. E. el Sr. Lazo Arriaga, le era absolutamente necesario hacer una declaración relativa á su conducta en la sesión anterior, conducta desnaturalizada completamente por algún periódico de esta capital, cuya versión del incidente ocurrido no vacila el orador en calificar de calumniosa, empleando deliberadamente la palabra. Cuando se retiró del salón, en los pocos segundos de que pudo disponer

Henríquez y Carbajal, Luis Felipe Carbo, Quintín Gutiérrez.

*Ecuador*.—Luis Felipe Carbo.

*Salvador*.—Francisco A. Reyes, Baltasar Estupinian.

*United States of America*.—William I. Buchanan, Charles M. Pepper, Volney W. Foster.

*Guatemala*.—Antonio Lazo Arriaga, Francisco Orla.

*Haiti*.—J. N. Léger.

*Honduras*.—Fausto Dávila.

*Mexico*.—Genaro Raigosa, Joaquín D. Casasús, José López-Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

*Nicaragua*.—Fausto Dávila.

*Paraguay*.—Cecilio Baez.

*Peru*.—Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

*Uruguay*.—Juan Cuestas.

After the minutes of the previous session had been read, his excellency Mr. Walker Martinez took the floor for the purpose of stating, that his excellency Mr. Pardo, in the previous session, had recognized his right to ask for sufficient time to study the proposed article of the regulations. He said that relying upon the precedent established in former sessions, by his excellency Mr. Lazo Arriaga, it was absolutely necessary for him to make a statement as to his conduct at the previous session, which conduct was completely misstated by a newspaper of this capital, whose version of the incident the speaker did not hesitate to characterize as a calumny, using the word deliberately. When he withdrew from the hall, in the few seconds which he needed to cross it, he



para atravesarlo, no pronunció sino dos ó tres palabras que expresaban su manera de pensar, su juicio, severo si se quiere, contra la conducta de la Presidencia, y que no quería reproducir para no renovar el incidente. Esas expresiones cortas, cortísimas, porque sólo empleó unos cuantos segundos en vertirlas, se transforman, en las columnas del citado periódico, en una serie de ideas y de juicios sobre México, al que no es exacto ni era posible que quisiera envolver en un reproche, cualquiera que fuese su idea sobre la conducta del Excom. Señor Presidente, porque precisamente su retirada del salón obedeció á un homenaje de respeto á la República Mexicana. Sabe, como viejo parlamentario, que cuando hay diferencias de apreciación entre el Presidente y alguno de los miembros de una asamblea sobre determinado asunto, se apela á ésta para que resuelva de qué lado se encuentra la razón; pero, sabe también, que cuando un Parlamento condena la conducta de su Presidente, en esa condenación va envuelta una censura y en muchos casos la necesidad de una renuncia; encontrándose en desacuerdo con S. E. el Sr. Raigosa, debería haber obrado como lo hubiera hecho en el Parlamento de su país; pero extranjero aquí, debiendo, como todos los Delegados, respeto á México, por su hospitalidad, no podía solicitar un voto de censura de la Asamblea, ni como Delegado de Chile votar en contra del trámite de la Mesa, porque esto envolvía un ataque, una descortesía á la República que ha hospedado á las Delegaciones enviadas á la Conferencia, lo que obligó al orador á retirarse silenciosamente. Su reclamación consistía en que no podía continuarse el debate, porque había pasado la hora, y si permanecía en el salón reconocía que esto último no era exacto, y por lo mismo se retiró, no queriendo colo-

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only said two or three words, which expressed his manner of thinking, his severe opinion, if it be desired to so construe it, of the conduct of the chair, and which he did not care now to repeat, in order not to reopen the incident. His short words, very short ones, because he occupied only a few seconds in uttering them, were changed in the columns of the paper referred to into a series of observations and strictures regarding Mexico, which nation he could not possibly involve in a reproach, whatever might be his opinion regarding the conduct of his excellency the president, because his withdrawal from the hall was precisely owing to his feeling of respect for the Mexican Republic. As an old parliamentarian, he knew that whenever there exists any differences of opinion, between the chair and any of the members of the assembly, with regard to some matter, an appeal to the latter is made, so that it may decide which side was right; but he also knew, that when a parliament condemns the conduct of its president, a censure, and in many cases the necessity of a resignation, is involved in such a condemnation; finding himself in discord with his excellency Mr. Raigosa, he should have acted as he would have done in the parliament of his own country, but as he was a foreigner here, and like every delegate had respect and was indebted to Mexico for its hospitality, he could not ask a vote of censure from the assembly, neither could he, as a delegate for Chile, vote against the rulings of the chair, because it would involve an attack, an act of discourtesy to the Republic which is the host of the delegations sent to this conference, and for this reason the speaker was compelled to leave the hall quietly. His claim was based on the fact that the discussion could not continue, be-

car á la Asamblea ni á la Delegación de Chile en pugna con la Presidencia. No ha proferido, pues, las palabras que le atribuye cierta prensa, y por eso ha querido dar públicamente la anterior explicación. Hubo alguna diferencia de apreciación entre S. E. el Señor Presidente y el orador; el momento en que esto sucedió ha pasado ya; hoy, termina diciendo S. E. el Sr. Walker Martínez, acepta el acta en todas sus partes.

S. E. el Sr. Alzamora expuso que tenía que hacer una ligera rectificación al acta, consistente en que él no manifestó en la sesión anterior que hacía concesiones en el debate sobre el proyecto de Ejercicio de Profesiones Liberales, sino que su país las había hecho en algunos tratados anteriores. Pidió además que en lugar de "en secreto" con relación á la manera de ejercer los médicos su profesión, se dijera "en lo privado," por ser más propio y expresar mejor su idea.

Con la modificación de S. E. el Sr. Alzamora, fué aprobada el acta de la sesión anterior.

S. E. el Sr. Foster, Delegado de los Estados Unidos, dijo que según tenía noticia, S. E. el Sr. Guachalla ha redactado una enmienda al proyecto sobre Ejercicio de Profesiones Liberales que fué aprobado en la anterior sesión, y que con objeto de que exponga dicha enmienda, cede la palabra al H. Delegado de Bolivia.

S. E. el Sr. Guachalla, expuso que, en efecto, la comisión presenta la enmienda á que se refiere S. E. el Sr. Foster, accediendo á los deseos

cause the hour had passed, and if he were to remain in the hall, it would mean that such was not the fact, and he therefore left as he did, so as not to place the assembly nor the Chilean delegation in conflict with the chair. He had not therefore uttered the words which have been attributed to him by a certain newspaper, and for that reason he wished to make the above public explanation. There was a difference of opinion between the president and the speaker; but the time when such incident happened has passed, and to-day, Mr. Walker Martinez continued, he fully accepts the minutes.

His excellency Mr. Alzamora stated that he had to propose a slight change in the minutes, to the effect that he had not stated at the previous session that he had made concessions in the debate of the project on the practice of the learned profession, but that his country had made such concessions in some of the previous treaties. He further requested that, instead of saying "in secret" as regards the manner in which doctors practice their profession, it should be said "privately," as this word was more proper and better conveyed the idea.

The minutes of the previous session were approved with the amendment proposed by his excellency Mr. Alzamora.

His excellency Mr. Foster, delegate for the United States, stated that he was advised that his excellency Mr. Guachalla had prepared an amendment to the project on practice of the learned professions which was approved at the previous session, and in order that the honorable delegate for Bolivia might present said amendment, he gave him the floor.

His excellency Mr. Guachalla stated that the committee will submit the amendment to which his excellency Mr. Foster refers, in

de la delegación de los Estados Unidos de América.

La presidencia acordó que la referida enmienda se imprima y distribuya entre los excmos. señores delegados. Va agregada á esta acta como Anexo número 1.

La secretaría dió lectura á la nota dirigida al excmo. señor presidente de la conferencia por las delegaciones de Argentina, Bolivia, Colombia, Costa Rica, Dominicana, El Salvador, Estados Unidos de América, Guatemala, Haití, Honduras, México, Nicaragua, Paraguay, Perú y Uruguay, comunicando haber firmado un protocolo en que se declara que los principios establecidos en las convenciones de La Haya, deben considerarse como derecho público americano, y confieren á los Gobiernos de los Estados Unidos y de México el encargo de negociar la adhesión á dichos tratados y remitiendo el texto de las resoluciones aprobadas, á fin de que, por conducto de la secretaría general, sea enviado al ministerio de relaciones exteriores de México, para que dichas resoluciones sean debidamente ejecutadas. También se dió lectura al protocolo anexo á la expresada nota, y ambos documentos quedan agregados á esta acta como Anexo número 2.

S. E. el Sr. Blest Gana, delegado de Chile, suplicó que ántes de dar el trámite respectivo, la presidencia mandara leer un proyecto sobre el mismo asunto presentado por la delegación chilena, y que se halla en poder de la secretaría, ya que dicho proyecto y el tratado que se había leído coinciden en ideas y deseos. Recordó que desde la primera vez que se trató la cuestión de arbitraje en el seno de la comisión, él se pronunció en favor de la convención de La Haya, que por la importancia de los Gobiernos que la firman, significa el paso más impor-

compliance with the wishes of the delegation of the United States of America.

The chair ordered that said amendment be printed and distributed among their excellencies the delegates. It is added to these minutes as Annex No. 1.

The secretary read the note addressed to his excellency the president of the conference by the delegations from Argentina, Bolivia, Colombia, Costa Rica, Dominican Republic, El Salvador, United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay, stating that they had signed a protocol in which they declare that the principles established in the conventions of The Hague should be considered as American public law, and that the Governments of the United States and of Mexico had been intrusted with the mission to negotiate their adherence to said treaties accompanying the text of the resolutions approved, in order that they be sent through the secretary-general to the minister of foreign relations of Mexico, so that said resolutions be duly executed. The secretary also read the protocol annexed to the note referred to, and both documents are attached to these minutes as Annex No. 2.

His excellency Mr. Blest Gana, delegate for Chile, requested that, before giving the customary ruling, the president should order the reading of a project on the same matter presented by the Chilean delegation, and which is in the hands of the secretary, since said project coincides in ideas and desires with the treaty that had been read. He recollected that, from the first time that the question of arbitration was discussed by the committee, he declared himself in favor of the convention of The Hague; that on account of the standing of the Governments

tante que se ha dado en asunto de tanta trascendencia. Concluyó manifestando su agrado al ver que comparten sus ideas la mayoría de las delegaciones representadas en esta conferencia.

S. E. el S. Carbo, delegado del Ecuador, declaró que era partidario de la adhesión de este congreso al tratado de La Haya; y que si no la ha suscrito, es porque las instrucciones de su Gobierno le prohíben firmar nada fuera del seno de la conferencia. El Ecuador ha venido á ésta, á exponer de la manera más franca su modo de pensar en todas las cuestiones internacionales que se susciten, sin afiliarse á una ó á otra causa, porque conservando las mejores relaciones con todas las naciones de América, no tiene por qué ni para qué herir los intereses de nadie; pero si está por la adhesión al referido tratado, y tiene plenos poderes para suscribirlo, le asiste más perfecto derecho para pedir, como lo hace, que las delegaciones que lo subscriben expresen si todas tienen ó no la misma facultad, para saber con quiénes puede ó no firmar dicho tratado.

S. E. el Señor Presidente, contestando á S. E. el Sr. Blest Gana, manifestó que la Mesa estaba obligada á dar lectura á los documentos presentados á la Secretaría según la precedencia con que lo han sido; que en su oportunidad y á su turno, se leería el proyecto sobre Arbitraje de la Delegación de Chile.

S. E. el Sr. Blest Gana, dió las gracias á S. E. el Señor Presidente por su explicación; y manifestó que el objeto que había tenido al hacer uso de la palabra, había sido el de evitar una doble é inútil discusión.

which had signed it, it means the most important step that had been taken in such a transcendental matter. He concluded by saying that it was with pleasure that he saw that his ideas were shared by the majority of the delegations represented at this conference.

His excellency Mr. Carbo, delegate for Ecuador, stated that he was a partisan to the adherence by this congress to the treaty of The Hague; and that if he had not signed it, it was because the instructions he had from his Government did not allow him to sign anything outside of the conference. Ecuador has come to this conference to express in the most open manner its way of thinking in all international questions that may arise, without siding one way or the other, because, as it maintains the best of relations with all the other nations of America, it has no reason whatever to wound the feelings of anybody; but since he was in favor of the treaty alluded to, and had full power to sign it, he was entitled to demand, as he did, that the delegations which signed it express whether or not they all have the same faculty, in order that he might know who could or could not sign the treaty before mentioned.

His excellency the president, in replying to his excellency Mr. Blest Gana, called his attention to the fact that the chair was under obligation to have read the documents presented to the secretary in the order they were received; and that the project on arbitration of the Chilean delegation would be read opportunely, when its turn would come.

His excellency Mr. Blest Gana thanked his excellency the president for his explanation, and stated that his object in requesting the floor had only been to avoid the repetition of a useless discussion.

La Secretaría anunció que la Presidencia acordaba pasara á la Secretaría general el Tratado sobre adhesión á las Convenciones de La Haya, presentado por varias Delegaciones, para los efectos de la fracción VII del art. 1º del Reglamento.

S. E. el Sr. Walker Martínez, Delegado de Chile, leyó el art. 10 del Reglamento, en virtud del cual la Secretaría dará cuenta á la Conferencia de los asuntos que hayan entrado después de la sesión anterior, y el Presidente dispondrá que cada uno de ellos pase al estudio de la Comisión que corresponda. En seguida pidió que se cumpliera tal precepto, pasando el proyecto de Tratado sobre adhesión á las Convenciones de La Haya al estudio de la Comisión respectiva. Suplicó también á la Presidencia que se dirigiera á S. E. el Sr. Galavis, Delegado de Venezuela, á fin de que ratificara el dato que la Delegación de Chile tenía acerca del retiro de la de Venezuela del seno de esta Conferencia. Si como creía el orador era exacta tal noticia, suponía que no subsistiría la firma de S. E. el Sr. Galavis en la Convención de que se trata.

S. E. el Señor Presidente contestó á S. E. el Sr. Walker Martínez, que en efecto, hoy había recibido la Mesa una comunicación de S. E. el Sr. Galavis, en que participa el retiro de la Delegación de Venezuela, é hizo presente que la firma de dicho Señor Delegado aparece al pie de la Convención con fecha 26 de Diciembre último.

S. E. el Sr. Matte, Delegado de Chile, propuso que se leyeran todos los documentos relativos á Arbitraje, y que en seguida se discutiera el trámite de la Mesa.

The secretary announced that the chair had ruled that the general treaty on the adherence to the conventions of the Hague submitted by several delegations be referred to the secretary-general in order to comply with the provisions of paragraph VII of article first of the regulations.

His excellency Mr. Walker Martínez, delegate for Chile, read article 10 of the regulations, by virtue whereof the secretary shall present to the conference the matters that have been received after the previous session, and the president shall order that each of those matters be referred to the respective committees for their consideration. Thereupon he requested that such precepts be complied with and that the treaty on the adherence to the conventions of the Hague be referred to the respective committee for its consideration. He also requested the chair to address his excellency Mr. Galavis, a delegate for Venezuela, in order that he might verify the information that the Chilean delegation had regarding the withdrawal of the Venezuelan delegation from the conference. If, as the speaker believed, such information was right, he supposed that the signature of his excellency Mr. Galavis should not remain in the convention referred to.

His excellency the president replied to his excellency Mr. Walker Martínez that the chair had really to-day received a communication from his excellency Mr. Galavis announcing the withdrawal of the Venezuelan delegation, and stated that the signature of said delegate appeared at the end of the convention as under the date of December 26 last.

His excellency Mr. Matte, delegate for Chile, moved that all the documents relative to arbitration be read and that the chair should thereafter rule what procedure should be followed.

S. E. el Señor Presidente manifestó, que en todos los parlamentos, después de la lectura de cada proposición, moción ó proyecto, la Mesa dicta el trámite respectivo; que se había reclamado el acordado por la Presidencia, y que por lo mismo, se preguntaría á la Asamblea si lo aprobaba ó no.

S. E. el Sr. Walker Martínez se felicita de que la mesa tuviera ya noticia oficial de la separación de la delegación de Venezuela. Fácilmente se comprenderá que conociendo ésta y no habiendo oído leer la firma de S. E. el Sr. Galavís en la nota con que se remite el tratado á la conferencia, el orador se vió en la necesidad de pedir las explicaciones anteriores, toda vez que debiendo producir efecto desde hoy el referido tratado, y no estando ya representada Venezuela en esta conferencia, no debe estimarse subscripto por ella el proyecto que ha dado lugar á este debate. S. E. el Sr. Walker Martínez extraña que el excelentísimo Señor Presidente no se haya dignado contestar el argumento que antes expuso sobre el art. 10 reglamentario. Los parlamentos y las asambleas internacionales, como la presente, están en el deber estricto de obedecer las reglas que ellos mismos se han dictado para normar sus labores; el acatamiento absoluto de esas reglas es la única salvaguardia de todos los derechos y la única garantía que existe para llevar á buen término el objeto que todos se proponen. El reglamento de esta conferencia es obra de la delegación de México, todas las otras delegaciones lo han aceptado y todos por lo mismo, sin excepción alguna, están obligados á cumplirlo. ¿Por qué, pues, si el art. 10 es el único aplicable al presente caso, se inventan nuevos trámites y no se quiere pasar al estudio de la comisión respectiva el proyecto de tratado suscrito por algunas delegaciones? ¿Por qué

His excellency the president stated that in all parliaments, after reading every proposition, motion, or project, the chair orders what procedure should be followed, and that as the ruling of the chair had been attacked the assembly would be asked whether it would approve it or not.

His excellency Mr. Walker Martinez congratulated himself that the chair had already received official notice of the withdrawal of the delegation of Venezuela. It would be easy to comprehend, knowing that fact and not having heard read the name of his excellency Mr. Galavis on the note with which the treaty was sent to the conference, that the speaker was compelled to ask the foregoing explanation, especially since the treaty referred to was to take effect to-day, and as Venezuela was no longer represented in this conference, it can not be said that the project which gave rise to this debate was signed by her. His excellency Mr. Walker Martinez thought it strange that the chair had not deigned to reply to the argument which he had advanced with regard to article 10 of the rules. Parliaments and international assemblies, like the present one, have the strict duty to obey the rules which they have established for the purpose of regulating their work. The absolute submission to these rules is the only safeguard of all rights, and the only guarantee which exists for accomplishing the object which they all propose to attain. The rules of the conference are the work of the delegation of Mexico; all the other delegations had accepted them, and all, for that reason, were obliged to comply with them. Why, then, if article 10 is the only one applicable in the present case, are new proceedings invented, and why is it not desired to refer the project of a treaty

la presidencia coloca á los miembros de esta asamblea en una situación tan difícil y los obliga á desautorizarla ó á infringir abiertamente el reglamento? ¿Cómo se pretende pasar á la secretaría general un asunto que ya se encuentra en su poder? Recordando que el mundo civilizado tiene fijadas sus miradas en los trabajos de esta asamblea, no tanto por la importancia de los pueblos en ella representados, sino por la trascendencia de las cuestiones que aquí se tratan, concluyó el orador suplicando á S. E. el Señor Presidente, que por sí mismo resuelva esta cuestión tan enojosa, y obedezca dócilmente el precepto terminante del art. 10 del reglamento, ya que se encuentra investido de las altísimas funciones de juez y representa no á México, sino á toda la asamblea, siendo, por lo tanto, su deber principal sobre todo y ante todo, el procurar el exacto cumplimiento de las reglas establecidas.

S. E. el Señor Presidente llamó la atención de S. E. el Sr. Walker Martínez acerca de que la nota con que se envió el tratado sobre adhesión á los de La Haya, no concluye con proposición que pueda someterse al estudio de una comisión: que esa nota es puramente informativa de que se ha celebrado el referido tratado. Por otra parte, la comisión de arbitraje se compone de un miembro por cada una de las delegaciones, y estando firmado el tratado por diez y seis de ellas, él equivale á cualquier dictamen que pudiera formular la misma comisión; á su entender, por consiguiente, está justificado el trámite de la mesa; pero una vez que se reclama, se ve en la ineludible obligación de someterlo á la aprobación de la conferencia.

which is signed by some of the delegations to the respective committee for its examination? Why does the chair place the members of the assembly in such a difficult position, and compel them to either disregard its authority or to openly violate the rules? Why is it desired to refer to the secretary-general a matter which is already before the conference? He called attention to the fact that the whole world had its eyes fixed upon the work of this assembly, not so much on account of the importance of the peoples who are represented therein as on account of the transcendency of the questions to be acted upon by it; and ended by requesting the chair to decide this vexatious question for itself, and obey with a good grace the positive provisions of article 10 of the rules, in view of the fact that it is vested with the high functions of judge, and represented not only Mexico but the whole assembly, it being, therefore, its principal duty above all and before all to procure the exact fulfillment of the established regulations.

His excellency the president called the attention of his excellency Mr. Walker Martinez to the fact that the note accompanying the treaty on adherence to those of The Hague did not conclude with a proposition which could be submitted to the consideration of any committee; that said note simply contained the information that the treaty referred to had been entered into. On the other hand, the committee on arbitration is composed of one member for each of the delegations, and the treaty having been signed by 16 of them, is equivalent to any report that might be formulated by the same committee; therefore, in his judgment the ruling of the chair was justified; but since it has been attacked, he was unavoidably compelled to submit it to the approval of the conference.

S. E. el Sr. Bello Codecido, delegado de Chile, cree de su deber agregar algunas palabras á las de sus compañeros de delegación: no se trata, en su concepto, de una cuestión de simple trámite, sino por el contrario, de averiguar en qué sentido se pronuncia el voto de esta asamblea sobre cuestión tan importante, como es la del arbitraje, y que es la primera del programa de la conferencia. Si las delegaciones que firman la convención de que se trata, y la de Chile, están conformes en adherirse á los tratados de La Haya ¿por qué no proclamarlo así en el seno de la conferencia? ¿Por qué hacer fuera de ella lo que aquí puede y debe hacerse sujetándose á las formas tutelares del reglamento? La gravedad del asunto repugna que se decida por un simple trámite y exige que se discuta y resuelva después de una detenida deliberación, tanto más fructuosa en este caso, cuanto que estando todos los miembros de la asamblea conformes en el fondo, tan sólo difieren en materia de procedimiento.

S. E. el Sr. Matte, expuso, que antes había propuesto como una medida conciliatoria que se reservara el trámite de la Mesa, para después de haber dado cuenta con el proyecto presentado por la Delegación de Chile; pero ya que no se había acogido esa idea, se veía en la forzosa obligación de pedir el exacto cumplimiento del art. 10 del Reglamento. En concepto del orador, no tiene fuerza ninguna la observación de S. E. el Señor Presidente, acerca de que la nota de las Delegaciones no termina con ninguna petición, porque, como se ve por el texto de dicha nota, que leyó, se pide en ella de una manera terminante y expresa, que se pase el Tratado al Ministerio de Relaciones Exteriores de la Re-

His excellency Mr. Bello Codecido, delegate for Chile, believes it to be his duty to add a few words to those of his colleagues of the delegation. He did not think that the question was a matter of simple procedure, but on the contrary it was to find out in what sense the vote of this assembly would be given on a question so important as that of arbitration, and which was the first on the programme of the conference. If the delegations signing the convention referred to, as well as that of Chile, were willing to adhere to the treaties of The Hague, why is it not so declared among the members conference? Why do, outside of the conference, what could and what should be done here, in accordance with the provisions established by the regulations? This matter, being of such a serious nature, should not be decided by a simple ruling, but should be discussed and acted upon after a careful deliberation, which would be the more useful in this case since all the members of the assembly agreed to it in substance, and only differed as to the manner of procedure.

His excellency Mr. Matte stated that he had before proposed as a conciliatory measure that the ruling of the chair should be reserved until after he had presented the project of the delegation of Chile; but since his idea had not been accepted he was obliged to ask the exact compliance with article 10 of the regulations. In the opinion of the speaker the observations of the chair regarding the fact that the note of the delegation did not end with any request, had no force whatever, because, as is seen by the text of said note, which he read, it was asked therein, in a positive and express manner, that the treaty be referred to the department of foreign relations of the Mexican Republic. He



pública Mexicana. Extraña mucho que tratándose de asuntos de obvia resolución, como por ejemplo, entre otros muchos que pudiera citar, el relativo á la felicitación á España, se hayan mandado y se manden invariablemente al estudio de las Comisiones respectivas, y no se quiera hacer esto en asunto de tanta importancia y gravedad, como es el del Arbitraje. Se invoca la fracción VII del art. 1º, relativo á las atribuciones de la Secretaría general; pero dicho precepto es de orden puramente económico, y si se quisiera aplicar á casos como el actual, la Conferencia no tendría en qué ocuparse, se harían imposibles sus deliberaciones y se la convertiría en un simple buzón destinado á transmitir los proyectos más importantes. Por otra parte, es de todo punto inaceptable que se pretenda privar á la Asamblea de ingerencia en este asunto, cuando el art. 2º del Tratado, propone que ella confiera á los Gobiernos de los Estados Unidos de América y de México el encargo de negociar, con las demás potencias signatarias de las Convenciones de La Haya, la adhesión de las naciones americanas no signatarias de ellas.

S. E. el Señor Presidente dijo: que habiendo pedido la palabra varios Excelentísimos Señores Delegados, y siendo la hora de Reglamento, se suspendía la sesión para continuarla á las 4 de la tarde.

Se suspendió la sesión á las 12.55 p. m.

A las 4.30 p. m. continuó la sesión, estando presentes los Excelentísimos Señores Delegados cuyos nombres constan en la preinserta lista, y además S. E. el Sr. Chavero, delegado de México.

La Secretaría anunció que con-

thought it very strange that when it was a question of matters the decision whereof was obvious, as for example, among many he could cite that relative to the congratulations to Spain, such matters had been and were always referred to the respective committees for their examination, and now it was not desired to pursue the same course in matters of such importance and gravity, as is that of arbitration. Fraction 7 of article 1, relative to the attributes of the secretary-general, was invoked, but its provisions are of a purely economic character, and if it was desired to apply it to cases like the present the conference would have no business to transact, its deliberations would become impossible, and it would be converted into a simple letter box, destined to simply transmit the most important projects. On the other hand, it was entirely unacceptable to pretend to deprive the assembly of all intervention in this matter, when article 2 of the treaty proposes that the assembly confer upon the Governments of the United States and Mexico the duty to negotiate with the other signatory powers of the convention of The Hague with regard to the adhesion of the American nations, to the same who have not signed these conventions, and who should so request it.

His excellency the president said that as several of the delegates had asked for the floor and the hour fixed by the rules had arrived, the session would be suspended to be continued at 4 p. m.

The session was suspended at 12.55 p. m.

The session continued at 4.30 p. m. in the presence of their excellencies the delegates whose names appear in the present list, as also his excellency Mr. Chavero, a delegate for Mexico.

The secretary announced that

tinuaba la discusión del trámite de la mesa.

S. E. el Sr. Pineda, delegado de México, dijo: que se trataba de una simple cuestión de trámite, que sólo había tomado tan grandes proporciones por estar relacionada con la del Arbitraje. Que la determinación de la Presidencia es enteramente fundada y S. E. el Sr. Lic. Raigosa ya ha expuesto esta mañana las incontrastables razones que la apoyan. Sin embargo, el orador desea añadir algunas palabras, y al efecto comienza por presentar los hechos ocurridos, con toda franqueza y sinceridad: el primero consiste en que quince Delegaciones han presentado á la Conferencia un Tratado firmado por ellas, pidiendo simplemente que se pase al ministerio de relaciones de México; no han querido someterlo á la consideración de la asamblea, no han solicitado que ésta delibere y tome sobre él alguna resolución. ¿Qué otra cosa podía hacer el Excmo. Señor Presidente, sino acceder á los deseos de dichas delegaciones, haciendo en este caso lo que en otros muchos anteriores, aun tratándose de asuntos de poquísima importancia? El otro hecho es el de haber sometido la Delegación chilena á la asamblea un proyecto encaminado también á la adhesión de las Repúblicas Americanas á los tratados de La Haya y en pretender que no se tramitara el subscrito por las quince delegaciones sino después de haberse dado lectura al de los representantes de Chile. Tal pretensión es de todo punto injustificada, porque no cabe una discusión común para dos proyectos que difieren de una manera esencial, tanto en el tiempo de su presentación como en su forma y naturaleza; el uno es un pacto definitivo y concluído, el otro es una simple iniciativa que tendrá que someterse á toda la tramitación de reglamento. Si se les

the discussion on the ruling of the chair would continue.

His excellency Mr. Pineda, a delegate for Mexico, stated that the question was simply a matter of procedure which, if it had attained such large proportions, was only because it was connected with that of arbitration; that the ruling of the chair was perfectly well founded, and that his excellency Mr. Raigosa has this morning already given indisputable reasons in support thereof. The speaker wished, however, to add some words, and to that effect commenced by relating with all frankness and sincerity the incidents that happened, the first being the fact that fifteen delegations had presented to the conference a treaty signed by them, requesting only that it be referred to the department of foreign relations of Mexico. They did not wish it to be submitted to the consideration of the assembly, and did not ask that the latter might discuss or act upon it in any way. What else could his excellency the president do than accede to the wishes of said delegations, acting in this case as has been done in many other previous ones, even with regard to matters of very little importance? The other incident referred to the fact that the Chilean delegation had submitted to the assembly a treaty, the object of which is also that the American Republics may adhere to the treaties of The Hague, and to the proposal that the project signed by the delegations should not be acted upon until after that of the representatives of Chile had been read. Such proposal was by all means unjustifiable, because it was not possible to discuss together the two projects, which differed materially, both with regard to the time of their presentation and in their form and nature. One of them is a definite and complete

sometiera á una misma discusión, tan sólo se lograría un debate incomprensible y sin solución alguna satisfactoria. S. E. el Sr. Walker Martínez ha exigido que se cumpla con el artículo 10 del Reglamento; mas ese precepto no puede ser aplicado sino en los casos en que sea aplicable: claro es que deben pasar al estudio de los órganos consultivos establecidos por la conferencia aquellos asuntos que necesitan de él; pero es incuestionable que no es susceptible de estudio ni de resolución alguna un tratado en que están de completo acuerdo las delegaciones que lo subscriben. Contestando á S. E. el Sr. Bello Codecido, el orador hace presente que no es cierto que en realidad se esté aquí en un debate sobre el arbitraje, que no puede tener lugar ni respecto del tratado de las quince delegaciones, que no se ha presentado con ese objeto, sino simplemente para que por los conductos debidos llegue á la cancillería mexicana, ni respecto al proyecto de la delegación de Chile, cuyo texto ni siquiera conoce la conferencia. En cuanto al argumento de S. E. el Sr. Matte, relativo á que en una de las cláusulas del tratado se toma el nombre de la conferencia, para que confiera á los Gobiernos de México y de los Estados Unidos el encargo de procurar la adhesión á las convenciones de La Haya, S. E. el Sr. Pineda manifiesta que su opinión personal es que en realidad hay un defecto de redacción; pero que ni la conferencia puede modificar la forma del referido documento, que no se ha sometido á su deliberación, ni de ello le resulta responsabilidad alguna, toda vez que no se trata de una obra suya, sino única y exclusivamente de las delegaciones signatarias. Por todas estas razones, concluye el orador diciendo, que en su sentir ha sido correcto el trámite de la presidencia y que

agreement, while the other is a simple initiative that will have to be submitted to the whole procedure of the regulations. Should they be placed under discussion, the result would only be an incomprehensible debate without any satisfactory solution. His excellency Mr. Walker Martinez has required that article 10 of the regulations be complied with, but that precept can not and could not be invoked except in cases in which it might be applicable. It was evident that matters requiring study should be referred to the committees appointed by the conference; but it was out of the question that a treaty in which all the delegates signing it are in perfect harmony is a matter not susceptible either of discussion or resolution. Replying to his excellency Mr. Bello Codecido, the speaker stated that it is not true that a debate on arbitration is being carried on, as it can not take place either in regard to the treaty of the fifteen delegations, which has not been presented with that object, but only in order that through the proper channels it may reach the Mexican foreign office, or in regard to the project of the delegation from Chile, the text of which is not even known to the conference. In regard to the argument of his excellency Mr. Matte relative to the fact that in one of the clauses of the treaty the name of the conference is used, so that it may confer on the Governments of Mexico and the United States the mission of obtaining the adherence to the conventions of The Hague, his excellency Mr. Pineda stated that in his own opinion the fact is that a defect exists in the wording, but that the conference can neither modify the form of said document, which has not been submitted to its consideration, nor can any responsibility

ésta ha estado á la altura de sus elevadas funciones.

S. E. el Sr. Buchanan, delegado de los Estados Unidos, dijo que apreciaba la particular y bondadosa deferencia demostrada en las observaciones hechas por el distinguido miembro de la delegación chilena y que él simplemente tomaba la palabra para hacer una aclaración. Cuando el documento que se había leído, fué redactado hace algunos días, se tenía la creencia y la esperanza de que recibiría el cordial apoyo y la aprobación de todos los delegados á la conferencia; de ahí proviene la redacción del artículo 3º; pero atendiendo á que no había sido firmado por todos, la observación de su colega de la delegación chilena era acertada, y en consecuencia pedía respetuosamente, con el permiso de los delegados que lo firmaron, y á fin de que no hubiera mala inteligencia, que se substituyeran las palabras "la conferencia americana" por "las delegaciones á la conferencia americana," y de esta manera la objeción hecha por el Excmo. Sr. Matte quedaba invalidada. Agregó que parecía extraño que habiendo firmado un documento entre sí quince delegaciones que sólo eran responsables de sus actos ante sus propios Gobiernos, y habiéndolo presentado á la conferencia con la única recomendación de que se transmitiese al Gobierno mexicano, á esto hicieran objeciones las delegaciones que no lo habían suscrito; que le parecía que aquellos que habían firmado estaban en su perfecto derecho y que debería accederse á su petición. S. E. no podía comprender por qué habrían de suscitarse objeciones á esa petición por ninguno de los que no

be attached to it so long as it is not its own production, but solely and exclusively that of the signatory delegations. For all these reasons the speaker closed by saying that, in his opinion, the ruling of the president was correct and in accordance with his high powers.

His excellency Mr. Buchanan, a delegate from the United States, said that he recognized the proper and kindly deference shown in the remarks made by the distinguished gentlemen from the Chilean delegation, and that he merely rose to make an explanation. When the document that has been read was drawn up several days ago it was in the belief and hope that it would meet the cordial support and indorsement of every delegate in the conference; hence the phraseology of article 3<sup>rd</sup>; but inasmuch as it had been signed by all, the observation made by his colleague of the Chilean delegation was proper; and he respectfully asked, with the permission of the gentlemen who signed, that there might be no misunderstanding, to correct the words the "American conference" into "the delegations to the American conference," and in that way the point made by his excellency Mr. Matte would be removed. He added that it appeared singular that the act of fifteen delegations, responsible to no other than to their own Governments for their actions, who had signed among themselves a document and presented it to the conference with the simple request that it be transmitted to the Mexican Government, should be objected to by a delegation not a party to the document; that it appeared to him that those signing it were in their strict right, and that their request should be granted. His excellency could not see why that request should be objectionable to anyone who did not sign it. Finally, he again expressed the desire that the change above

habían firmado. Finalmente, volvió á expresar el deseo de que se hiciese en el documento el expresado cambio.

S. E. el Sr. Carbo, delegado del Ecuador, después de manifestar de nuevo la actitud independiente de su delegación y su opinión en favor de los tratados de La Haya, que está dispuesto á subscribir, lo mismo que Chile, siendo de su derecho adherirse en la forma que lo crean conveniente al proyecto materia del debate. Que suponiendo que el proyecto pasaría por los trámites reglamentarios, se reservaba expresar sus opiniones al llegar esa oportunidad; pero ya que se prescinde de las prácticas establecidas, debe manifestar lo que cree. Ha sido el primero en aplaudir el exquisito tacto de S. E. el Sr. Presidente, pero éste no podrá menos de reconocer que no se debe desatender la letra de la ley á pretexto de consultar su espíritu. En el presente caso, conforme al reglamento y aun por urbanidad, para que las delegaciones que no lo han firmado se impongan del proyecto, éste y la proposición chilena, después de leída, deben pasar á la comisión de arbitraje para que emita dictamen. Como presidente de la comisión de credenciales dijo que se creía en el deber de hacer presente á la conferencia que muchos de los excmos. señores delegados no tienen más que simples credenciales, que no los autorizan á discutir y mucho menos á firmar tratados. Un congreso internacional llamado á establecer las buenas reglas diplomáticas no puede consentir en que las delegaciones que no han sido autorizadas por sus Gobiernos can la plenitud de su representación, discutan y voten tratados, que adolecerían de un vicio fundamental y que no harían más que extraviar el criterio del mundo en todo lo que se refiere á las resolu-

suggested be made in the document when it should be presented.

His excellency Mr. Carbo, delegate for Ecuador, after having expressed again the independent standing of his delegation and his opinion in favor of the treaties of The Hague, stated that, the same as Chile, it was disposed to sign them, it being their right to adhere to the project under discussion in the form which they might believe proper. That, supposing the project were to pass through all the proceedings prescribed by the regulations, he reserved his right to express his opinions whenever that opportunity should arise; but as it was already proposed to forego the established practices, he had to state what he believed. He had been the first to applaud the exquisite tact of his excellency the president, who could do no less than to recognize that the letter of the law should not be disregarded under the pretext of carrying out its spirit. In the present case, according to the rules, and even as a matter of courtesy, in order that the delegations who have not signed it may inform themselves of the project, the latter and the Chilean proposition, after having been read, should be referred to the committee on arbitration, so that it may report upon them. As president of the committee on credentials, he said that he believed it his duty to state that many of their excellencies the delegates had only simple credentials, which did not authorize them to discuss and much less to sign treaties. An international congress convoked for the purpose of establishing proper diplomatic rules can not consent that the delegations which have not been authorized by their Governments with the plenitude of their

ciones de esta conferencia. Enviar un proyecto de convención al ministerio de relaciones de México, para que éste se encuentre con que buena parte de las delegaciones no tienen poderes, es un acto impropio de la conferencia; que tiene que proceder con entera circunspección, especialmente tratándose del país que ha dado hospitalidad á las delegaciones de los otros.

S. E. el Sr. Buchanan, delegado de los Estados Unidos de América, dijo: que muy á su pesar tomaba la palabra, pero que en vista de que su distinguido amigo, el Excmo. Sr. Carbo, del Ecuador, tanto en la sesión de la mañana como en la que en aquellos momentos se estaba celebrando, sin la más leve intención y sin idea de ofender, según creía, había puesto en duda de un modo indirecto las facultades de algunos de los que firmaban el documento á que se había dado lectura, deseaba manifestar en contestación y en lo que se refería á la delegación de los Estados Unidos, que la misma no tenía que responder de lo que había hecho sino ante el Gobierno de su país.

S. E. el Sr. Carbo dijo: que ni por asomo había tenido la intención de ofender á la delegación de los Estados Unidos ni á ninguna otra; que cuando se celebran tratados es principio elemental en la diplomacia el derecho que cualquiera de los plenipotenciarios tiene para cerciorarse de si los otros están competentemente autorizados por sus Gobiernos.

S. E. el Sr. General Reyes, delegado de Colombia, dijo: que su delegación es una de las quince signatarias del tratado sobre que

representation, should discuss and vote upon treaties, which suffer from a fundamental defect, and that would not accomplish more than to lead the judgment of the world astray in all that relates to the resolutions of this conference. To send a project of a convention to the department of foreign relations of Mexico, in order that the latter may find that a good many of the delegates have no powers, is an act unworthy of this conference, which should proceed with entire circumspection, especially when it is a question that affects the country which has extended its hospitality to the delegations of the others.

His excellency Mr. Buchanan, a delegate from the United States, said that he rose with considerable reluctance, but inasmuch as his distinguished friend, Mr. Carbo, of Ecuador, both this morning and just now, quite unintentionally and without thought of giving offense, as he thought, had indirectly questioned the power of some of those signing the document read, his excellency wished to say in reply that so far as the United States delegation was concerned, it is only answerable to the United States Government for what it does.

His excellency Mr. Carbo stated that his intention had not been in the slightest to offend the delegation of the United States nor any other delegation; that when treaties were entered into it is a fundamental principle in diplomacy that plenipotentiaries have the privilege to assure themselves that the others are fully empowered by their respective Governments.

His excellency General Reyes, delegate for Colombia, stated that his delegation was one of the fifteen signing the treaty under dis-

se discute y que cuando él puso su firma creyó que de ese modo se subsanarían todo género de dificultades; que ve que por desgracia éstas aumentan y que temeroso de que el referido tratado no satisfaga las necesidades de todas las Repúblicas Americanas, llama la atención de la conferencia acerca de la obligación en que se encuentran, de tomar, después de madura reflexión, una resolución definitiva sobre el capital asunto del arbitraje, único medio de conservar la paz entre ellas, siendo más apremiante esa obligación para las que tienen cuestiones de límites, llamadas á tomar grandísima importancia en no remoto porvenir, merced al desarrollo de los poderosos elementos de riqueza de las naciones de este continente. Concluyó sometiendo á la asamblea la siguiente proposición: "Dése lectura al proyecto de arbitraje presentado por la delegación de Chile y pase junto con el que, sobre el mismo asunto, presentaron quince delegaciones, á la comisión que se ocupa en este asunto, para que presente su dictámen el lunes próximo."

La secretaría anunció que, conforme al artículo 15 del reglamento, estando pendiente la discusión del trámite de la presidencia, se daría entrada á la proposición de S. E. el Sr. Reyes, cuando se hubiera recogido la votación sobre el referido trámite.

S. E. el Sr. Matte, delegado de Chile, contestando á S. E. el Sr. Pineda, expuso que para poner de bulto la justicia que asistía á la delegación chilena, invocaba la autorizadísima opinión de un miembro de la delegación mexicana, S. E. el Sr. Pardo, quien, al proponer en la sesión de antier el nuevo artículo del reglamento, aun no aprobado, reconoció de una

cussion, and when he attached his signature to it he believed that in that way all kind of obstacles would be avoided; but he said that, unfortunately, these obstacles had increased, and, as he was afraid that the treaty in question would not meet the requirements of all the American Republics, he called the attention of the conference to the obligation under which they were, of taking, after careful consideration, a definite decision on the important matter of arbitration, as the only means for maintaining peace among them. That obligation became more urgent for the nations which have questions relating to boundary lines which would be of the greatest importance in the near future, through the development of the powerful elements of wealth of the nations of this continent. The speaker closed by submitting to the assembly the following proposition: "Let the project of arbitration submitted by the Chilean delegation be read, and, together with that presented by the fifteen delegations on the same matter, be referred to the committee appointed for these matters, so that a report may be submitted thereon on Monday next."

The secretary announced that in conformity with article 15 of the regulations, as the ruling of the chair was pending of discussion, the proposition of his excellency Mr. Reyes would be taken into consideration after the votes had been given with regard to said ruling.

His excellency Mr. Matte, a delegate for Chile, replying to his excellency Mr. Pineda, stated that, in order to put in evidence the justice that the Chilean delegation had, he appealed to the most authorized opinion of one of the members of the Mexican delegation, his excellency Mr. Pardo, who, in submitting at the session of the day before yesterday the

manera clara y terminante que actualmente no existe ningún precepto reglamentario que autorice á la Presidencia á acceder á los deseos de las delegaciones signatarias, enviando la convención á la cancillería mexicana. Que S. E. el Sr. Pineda reconoce que en la convención de que se trata se toma el nombre de la conferencia; pero al mismo tiempo niega á las delegaciones no signatarias el derecho de discutir los términos de la referida convención. No comprende el orador cómo pueda sostenerse tal cosa y pretenderse que pase el asunto por la conferencia por medio de un simple trámite y sin discusión alguna; puesto que en nombre de ella va á tomarse una resolución que puede comprometer alguna responsabilidad, justo es que se le conceda el derecho de examinar tal resolución para decidir si está fundada. En seguida hace presente á S. E. el Sr. Buchanan que no sólo se compromete el nombre de esta asamblea en el artículo 2º. del tratado, sino también en su considerando y en su artículo 1º. Terminó manifestando que veía con gran complacencia que se llegaba á unanimidad en la idea de que todas las naciones de América adhirieran á los tratados de La Haya, lo que había sido el desideratum de Chile desde que se incorporó á la conferencia.

S. E. el Sr. Bello Codecido, Delegado de Chile, expone que S. E. el Sr. Pineda, partiendo de la premisa de tratarse tan sólo de una cuestión de trámite, llega á conclusiones enteramente distintas de las del orador, que por el contrario cree que se discute un punto de alta importancia; para probar esto último, bastan las grandes proporciones que ha adquirido el debate, que versa sobre el derecho que puedan tener algunas delegaciones

new article of the regulations, still unapproved, recognized in a clear and positive manner, that there was at present no provision in the rules which would authorize the chair to grant the wishes of the signatory delegations, by sending the convention to the Mexican foreign department. That his excellency Mr. Pineda admitted that the convention in question spoke in the name of the conference, but at the same time he denied to the delegates which have not signed it the right to discuss the terms of said convention. The speaker did not understand how such a thing could be sustained, and to desire that the matter pass the conference simply by routine, without discussion whatever; and inasmuch as a resolution was to be taken in its name, which might cause it some responsibility, it was only just that it should have the right to examine such resolution in order to decide if it was well founded. He then observed to his excellency Mr. Buchanan that the name of this assembly was not only mentioned in article 2 of the treaty, but also in its preamble and in article 1. He concluded by stating that he was very glad to see that the idea of all the nations of America adhering to the treaties of The Hague was being unanimously accepted, a thing which constituted the desideratum of Chile since it became a part of the conference.

His excellency Mr. Bello Codecido, delegate from Chili, stated that his excellency Mr. Pineda, starting from the premise that only a question of proceedings was being considered, arrived at conclusions entirely different to those of the speaker, who, on the contrary, believes that a point of great importance is being discussed; and to prove this it is sufficient to see the large proportions assumed by the debate, which treats of the



para tomar, fuera de la conferencia, resoluciones, sobre las cuales debe ésta pronunciarse. Si se estableciera tal principio y se permitiera que las naciones representadas en esta asamblea subscribieran convenios sobre toda clase de asuntos, fuera de la conferencia, sería ésta enteramente inútil, y valiera mas que no se hubiera reunido. Hay un hecho curioso: quince delegaciones que firman una convención, la remiten á la conferencia, es decir, á las únicas otras dos delegaciones que no la suscriben, y se pretende que por estar aprobado tal documento por la gran mayoría, casi la totalidad, de los países representados en la asamblea, ésta lo envíe á la cancillería mexicana sin que las delegaciones no signatarias puedan examinar sus términos, para pesar la responsabilidad que de tal acto les resulte, puesto que ese acto lo va á ejecutar la conferencia, de la que forman parte. Si se accediera al deseo de las delegaciones signatarias, se enviaría á la cancillería de México, un pacto ya firmado, y otro quedaría pendiente de discusión, encontrándose dicha cancillería con dos tratados sobre el mismo asunto, iguales en el fondo, pero de diversa forma. Si el proyecto de tratado estuviera subscripto por una simple mayoría, podría explicarse que fuera remitido á la secretaría de relaciones exteriores como obra de las delegaciones que lo firmaron; pero esto no se concibe respecto de un pacto que no sólo está amparado con la firma de casi la totalidad de las delegaciones, sino que cuenta, además, con la aprobación de las restantes. La delegación de Chile desea lo mismo que los signatarios del tratado; pero quiere, para rodearlo de mayor solemnidad, que vaya revestido de la sanción de la conferencia. Ciertamente que la convención de que se trata ha sido aceptada por una gran mayoría,

right which some delegations may have to form resolutions outside the conference, upon which the conference has to pronounce its judgment. If this principle should be established, and should be permitted that the nations represented in this assembly might sign agreements upon all kinds of subjects, outside of the conference, the latter would be entirely useless, and it would be better if it had not assembled at all. This is a strange fact—15 delegations who signed the convention, submit it to the conference; that is to say, to the only two remaining delegations who have not signed it, and it is desired that by the reason of such document being approved by the great majority—almost the totality of the countries in the assembly—the latter sends it to the Mexican foreign office without the delegations who have not signed it may examine its provisions to weigh the responsibility that might accrue to them from such action, inasmuch as this act is to be executed by the conference of which they form a part. If the wishes of the signatory delegations were acceded to, a treaty already signed would be sent to the Mexican foreign office, and another would remain pending of discussion, the said foreign office being in possession of two treaties on the same subject, identical in substance, but in different form. If the proposed treaty would be subscribed by a simple majority, it might be explained that it should be sent to the department of foreign relations as being the work of the delegations who signed it, but this can not be supposed regarding an agreement, which is not only signed by nearly all the delegations, but which also has the approval of all the others. The delegation from Chili wishes as the signatories of the treaty, that is, to send it to the minister of foreign affairs of the Republic of Mexico,

mas no por eso debe sustraérsele á los trámites establecidos por el reglamento. Concluyó el orador manifestando que deseosa la delegación de Chile de allanar las dificultades y de facilitar la terminación de este asunto, presenta á la conferencia, manteniendo, como exposición de motivos la del proyecto de convención presentado hoy á la secretaría por la delegación chilena, la siguiente proposición: "La delegación de Chile hace suyo el proyecto de adhesión á las convenciones de La Haya suscripto por quince delegaciones y lo somete á la consideración de la conferencia para que una vez aprobado por ésta, se remita por la secretaría al ministerio de relaciones exteriores de México.—(Firmado.) ALBERTO BLEST GANA, AUGUSTO MATTE, EMILIO BELLO CODECIDO, JOAQUÍN WALKER MARTÍNEZ."

Habiendo pedido la palabra S. E. el Sr. Carbo, la presidencia le manifestó que siendo la hora reglamentaria, y debiendo consultarse á la conferencia, acerca de una proposición presentada por S. E. el Sr. Macedo, iba á levantarse la sesión.

La Secretaría leyó la proposición de S. E. el Sr. Macedo, concebida en estos términos: "Enero 15 de 1902.—Pido respetuosamente á la conferencia se sirva acordar que el día de mañana se celebre sesión, así en la mañana como en la tarde. (Firmado.) PABLO MACEDO."

Preguntado si se tomaba en consideración inmediata, la conferencia contestó afirmativamente por unanimidad de votos, y sin discusión fué aprobada la proposición

but wishes, that in order to surround it with greater solemnity, that it should go endowed with the sanction of the conference. It is perfectly true that the convention referred to has been accepted by a great majority, but it should not, for that reason, be exempted from the procedure established by the regulations. The speaker closed by stating that the delegation from Chili, desirous of overcoming the difficulties and facilitating the termination of this matter, presents to the conference the following proposition, maintaining as its preamble that of the project of the convention presented to-day to the secretary by the Chilean delegation:

"The Chilean delegation takes as its own the project of adherence to the convention of The Hague, signed by 15 delegations, and submits it to the consideration of the conference in order that as soon as it may be approved it be sent by the secretary to the department of foreign affairs of Mexico. (Signed) ALBERTO BLEST GANA, AUGUSTO MATTE, EMILIO BELLO CODECIDO, JOAQUIN WALKER MARTINEZ."

His excellency Mr. Carbo requested the floor, but the chair stated that as the hour of the regulations had struck and as the conference had to be consulted with regard to the proposition submitted by his excellency Mr. Macedo, the session would adjourn.

The secretary read the proposition of his excellency Mr. Macedo as follows: "January 15, 1902.—I respectfully request the conference that it be pleased to decide that to-morrow's session shall be held in the morning as well as in the afternoon. (Signed) PABLO MACEDO."

The conference was asked whether the above proposition would be taken immediately into consideration, and the answer being in the affirmative by a unani-

de S. E. el Sr. Macedo, también por unanimidad.

Terminó la sesión á las 6.20 p. m., quedando con la palabra S. E. el Sr. Carbo.

[Anexo número 1.]

Enmienda al art. 4º del Proyecto de Convención sobre Ejercicio de Profesiones Liebrales, presentada por la 12ª Comisión.

Art. 4º. Cada una de las Partes Contratantes pondrá oficialmente en conocimiento de las otras, cuáles son las Universidades en los países signatarios cuyos títulos y diplomas considera como válidos para el ejercicio, en su respectivo territorio, de las profesiones de que trata esta Convención.

Por lo que respecta á la observancia de la disposición anterior por parte de los Estados Unidos de América, el Departamento de Estado de este país pondrá en conocimiento de las otras Repúblicas signatarias todos los actos legislativos de los respectivos Estados de los Estados Unidos, referentes al reconocimiento de los títulos y diplomas de los demás países firmantes, y transmitirá á los distintos Estados de los Estados Unidos de América, cuya legislación ofreciere reciprocidad, las informaciones que se reciban dando á conocer los títulos y diplomas de los respectivos cuerpos docentes ó Universidades de dichas Repúblicas que éstas recomendaren como válidos.

Las demás Partes Contratantes reconocerán los títulos y diplomas de las Universidades de los Estados, Territorios y del Distrito de Columbia de los Estados Unidos de América, que cada una de ellas eligiere.

No obstante esta disposición, aquellas instituciones docentes de

mous vote, the proposition of Mr. Macedo was approved also unanimously without discussion.

The session adjourned at 6.20 p. m., his excellency Mr. Carbo having the floor.

[Annex No. 1.]

Proposed amendment to Article 4th of the Project presented by the Committee on Liberal Professions.

Art. 4th. Each of the contracting parties shall give official notice to the others, which are the universities in the signatory countries, whose titles and diplomas are considered valid for the practice of the professions, the subject-matter of this convention, in their respective territories.

With regard to the compliance with this provision on the part of the United States of America, its State Department shall advise the other signatory republics of all legislation of the respective States of the United States touching the recognition of the diplomas of the other signatory Republics and conveying to the respective States of the United States of America whose legislation offers reciprocity, the advice received from the signatory Republics as to the titles and diplomas of the respective colleges and universities of each Republic which are by them recommended for acceptance.

The other signatory Republics shall recognize the diplomas of such colleges and universities of the United States, its Territories, and the District of Columbia as such Republics may elect.

Notwithstanding this provision these institutions of learning of

los Estados Unidos de América que no fueren reconocidas por las demás Repúblicas signatarias y que se consideraren con títulos suficientes para serlo, podrán solicitar el reconocimiento de sus diplomas profesionales ante los Gobiernos respectivos, mediante una solicitud acompañada de los justificativos correspondientes, los que serán calificados por la autoridad competente de cada uno de los países contratantes.

(Firmado.) A. BLEST GANA, M. SÁNCHEZ MÁRMOL, FERNANDO E. GUACHALLA, M. A. MARTÍNEZ, *Secretario*.

[Anexo número 2.]

#### PROTOCOLO de adhesión á las Convenciones de La Haya.

Las Delegaciones que subscriben, reconociendo la conveniencia que pudiera resultar á las naciones que representan de adherirse á las tres Convenciones de La Haya, han firmado un Protocolo en el cual, después de declarar que los principios establecidos en dichas Convenciones deben considerarse como derecho público Americano, confían á los Gobiernos de los Estados Unidos y de México el encargo de negociar con las demás Potencias signatarias de la Convención, para el arreglo pacífico de los conflictos internacionales, la adhesión de las Naciones de América no signatarias de dicha Convención que así lo soliciten.

En tal virtud, dichas Delegaciones tienen el honor de remitir á la Conferencia el texto de las resoluciones aprobadas, á fin de que, por conducto de la Secretaría General, sea enviado al Ministerio de Relaciones Exteriores de los Estados Unidos Mexicanos, con el objeto de que, siguiéndose el procedimiento indispensable para que los actos de las Delegaciones representadas en esta Conferencia ob-

the United States of America which are not so recognized by the other signatory Republics and which consider their diplomas sufficient to justify their being so recognized may request the recognition of their professional diplomas by the other signatory Republics by means of a petition accompanied by proper evidence, which petition will be passed upon by the competent authority of each of the contracting parties.

(Signed) A. BLEST GANA, M. SANCHEZ MARMOL, FERNANDO E. GUACHALLA, M. A. MARTINEZ, *Secretary*.

[Annex No. 2.]

#### PROTOCOL of adherence to the conventions of The Hague.

The undersigned delegations appreciating the advantages that the nations they represent may obtain from adhering to the three conventions of The Hague, have signed a protocol in which, after declaring that the principles established in said conventions shall be considered as American public law, and have intrusted the Governments of the United States and Mexico with the task of negotiating with the other signatory powers of the convention for the peaceful settlement of international conflicts, so that the American nations not signing said convention may adhere to it when they may solicit it.

Said delegations have the honor, therefore, of sending to the conference the text of the resolutions approved, so that it may be sent, through the secretary-general to the secretary of foreign relations of the United States of Mexico, in order that, following the indispensable procedure for the acts of the delegations represented at this conference, to attain all the necessary efficacy with regard to the

tengan toda su eficacia obligatoria respecto á las Repúblicas que las han designado, dichas resoluciones sean debidamente ejecutadas.

Protestamos á Ud. nuestra respetuosa consideración.

México, *Enero 15 de 1902.*—(Firmado) WM. I. BUCHANAN, CHARLES M. PEPPER, VOLNEY W. FOSTER, Delegación de los Estados Unidos de América. ANTONIO BERMEO, LORENZO ANADÓN. F. L. DE LA BARRA, M. SÁNCHEZ MÁRMOL, JOSÉ LÓPEZ-PORTELLO Y ROJAS, ALFREDO CHAVERO, Delegados de México. ISAAC ALZAMORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE. FERNANDO E. GUACHALLA, Delegado de Bolivia. CECILIO BAEZ, Delegado del Paraguay. FEDERICO HENRÍQUEZ Y CARVAJAL, QUINTÍN GUTIÉRREZ, Delegados de la República Dominicana. Por la Delegación de Honduras y como Delegado de Nicaragua, F. DÁVILA. Delegado de Colombia, RAFAEL REYES. Delegación de el Salvador, F. A. REYES, BALTASAR ESTUPINIÁN. J. N. LÉGER, Delegado de Haití. J. B. CALVO, Delegado de Costa Rica. JUAN CUESTAS, Delegado del Uruguay. Delegación de Guatemala, ANTONIO LAZO ARRIAGA, FRANCISCO ORLA.

(For text of protocol see Appendix C.)

Republics which have appointed them, the said resolutions be then duly carried into effect.

Accept, sir, the assurances of our respectful regard.

Mexico, *January 15, 1902.*—(Signed) WILLIAM I. BUCHANAN, CHARLES M. PEPPER, VOLNEY W. FOSTER, Delegation of the United States of America. ANTONIO BERMEO, LORENZO ANADÓN, Delegation of the Argentine Republic. F. L. DE LA BARRA, M. SANCHEZ MARMOL, JOSE LOPEZ PORTELLO Y ROJAS, ALFREDO CHAVERO, Delegates of Mexico. ISAAC ALZAMORA, ALVAREZ CALDERON, ALBERTO ELMORE, Delegation of Peru. FERNANDO E. GUACHALLA, Delegate of Bolivia. FEDERICO HENRIQUEZ Y CARVAJAL, QUINTIN GUTIERREZ, Delegates of the Dominican Republic. For the Delegation of Honduras and as Delegate for Nicaragua, F. DÁVILA. Delegate of Colombia, RAFAEL REYES. Delegation from Salvador, F. A. REYES, BALTASAR ESTUPINIAN. J. N. LÉGER, Delegate of Haiti. J. B. CALVO, Delegate of Costa Rica. JUAN CUESTAS, Delegate of Uruguay. Delegation of Guatemala, ANTONIO LAZO ARRIAGA, FRANCISCO ORLA.

### *Acta núm. 31.*

Sesión del día 16 de Enero de 1902.

Presidencia de S. E. el Sr. Lic. D. GENARO RAIGOSA.

Estando presentes señores delegados de diez y siete Repúblicas de Norte, Centro y Sud-América, se abrió la sesión á las 10.45 a. m.

### *Thirty-first day.*

Session of the 16th day of January, 1902.

Presidency of His Excellency GENARO RAIGOSA.

The session was called to order at 10.45 a. m. in the presence of delegates from 17 of the North, Central, and South American Republics.

Los excelentísimos señores delegados presentes fueron:

*Argentina*.—Dr. D. Antonio Bermejo.

*Bolivia*.—D. Fernando E. Guachalla.

*Colombia*.—General D. Rafael Reyes.

*Costa Rica*.—D. Joaquín Bernardo Calvo.

*Chile*.—D. Alberto Blest Gana, D. Emilio Bello Codecido, D. Joaquín Walker Martínez, D. Augusto Matte.

*Dominicana*.—D. Luis Felipe Carbo, D. Quintín Gutiérrez.

*Ecuador*.—D. Luis Felipe Carbo.

*El Salvador*.—Dr. D. Francisco A. Reyes, D. Baltasar Estupinian.

*Estados Unidos de América*.—William I. Buchanan, Charles M. Pepper, Volney W. Foster.

*Guatemala*.—Dr. D. Antonio Lazo Arriaga, Coronel D. Francisco Orla.

*Haiti*.—Dr. D. J. N. Léger.

*Honduras*.—Dr. D. Fausto Dávila.

*México*.—Lic. D. Genaro Raigosa, Lic. D. Joaquín D. Casasús, Lic. D. José López-Portillo y Rojas, Lic. D. Emilio Pardo, jr., Lic. D. Pablo Macedo, Lic. D. Alfredo Chavero, Lic. D. Francisco L. de la Barra, Lic. D. Manuel Sánchez Mármol, Lic. D. Rosendo Pineda.

*Nicaragua*.—Dr. D. Fausto Dávila.

*Paraguay*.—D. Cecilio Baez.

*Peru*.—Dr. D. Isaac Alzamora, Dr. D. Alberto Elmore, D. Manuel Alvarez Calderón.

*Uruguay*.—Dr. D. Juan Cuestas.

Leída el acta de la sesión anterior, que por falta de tiempo no se repartió impresa entre los excelentísimos señores delegados, por indicación de SS. EE. los Sres. Buchanan, de los Estados Unidos, y Matte, de Chile, se acordó que se reservara su aprobación para la sesión próxima, á fin de que la

Their excellencies the delegates present were as follows:

*Argentina*.—Antonio Bermejo.

*Bolivia*.—Fernando E. Guachalla.

*Colombia*.—General Rafael Reyes.

*Costa Rica*.—Joaquín Bernardo Calvo.

*Chile*.—Alberto Blest Gana, Emilio Bello Codecido, Joaquín Walker Martínez, Augusto Matte.

*Santo Domingo*.—Luis Felipe Carbo, Quintín Gutiérrez.

*Ecuador*.—Luis Felipe Carbo.

*Salvador*.—Francisco A. Reyes, Baltasar Estupinian.

*United States of America*.—William I. Buchanan, Charles M. Pepper, Volney W. Foster.

*Guatemala*.—Antonio Lazo Arriaga, Colonel Francisco Orla.

*Haiti*.—J. N. Léger.

*Honduras*.—Fausto Dávila.

*México*.—Genaro Raigosa, Joaquín D. Casasús, José López-Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

*Nicaragua*.—Fausto Dávila.

*Paraguay*.—Cecilio Baez.

*Peru*.—Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

*Uruguay*.—Juan Cuestas.

After the minutes of the former session, which were not distributed or printed among the delegates, on account of lack of time, had been read, on motion of their excellencies Mr. Buchanan, of the United States of America, and Mr. Matte, of Chile, it was ordered that their approval would be re-

conocieran mejor los miembros de la asamblea. Se anunció que continuaba la discusión sobre el trámite de la mesa.

S. E. el Sr. Carbo, delegado del Ecuador, suplicó á la conferencia se adhiriera á la proposición de la delegación de Chile, como el medio más apropiado de dar una conveniente solución al asunto que se discute.

S. E. el Sr. Macedo, delegado de México, pidió perdón á la conferencia por someterle algunas consideraciones acerca de la proposición de la delegación chilena, aun antes de saber el trámite que recaería sobre ella. Expuso que el reglamento no era una letra muerta y que el espíritu que lo vivificaba era el de concordia entre todas las naciones aquí representadas, y el deseo de que todas ellas hicieran obra práctica y fructuosa, de eficaces resultados para todo el continente; que había una diferencia substancial sobre este punto, entre los parlamentos especiales de cada país y las asambleas del género de esta conferencia, puesto que la ley de las mayorías predomina en los primeros y no así en las segundas, donde cada cual conserva la más absoluta libertad para decidirse en favor de lo que considera conveniente á sus intereses. Que la proposición de la delegación chilena consta de dos partes: la primera en que hace suyo el proyecto de adhesión á las convenciones de La Haya, suscrito por quince delegaciones, y la segunda en que lo somete á la consideración de la conferencia para que, una vez aprobado por ésta, se remita por la secretaría general al ministerio de relaciones exteriores de México. El orador aplaude calurosamente la primera parte, porque ella significa la adhesión unánime de la América

served until the next session, in order that the members of the assembly might better become acquainted with their contents. It was announced that the discussion upon the ruling of the chair would be continued.

His excellency Mr. Carbo, delegate of Ecuador, entreated the conference to adhere to the proposition of the delegation of Chile, as the most expedient manner to give a proper solution to the matter under discussion.

His excellency Mr. Macedo, a delegate for Mexico, asked pardon of the conference for submitting some observations regarding the proposition of the Chilean delegation, even before knowing what action would be taken in regard to the same. He stated that the regulations were no dead letter, and that the spirit that animated them was that of concord between all the nations here represented, and the desire that they all would accomplish a practical and fruitful work, one of efficacious results for all the continent; that there existed a substantial difference regarding this point among special parliaments of each country and assemblies of the character of this conference, inasmuch as the law of majorities governs in the former, but did not do so in the latter, as here each one preserves the most absolute liberty to decide in favor of that which he may consider advantageous for his interests. That the proposition of the Chilean delegation consists of two parts: the first, in which it adopts the project of adherence to the conventions of The Hague, subscribed by 15 delegations; and the second, in which it submits that project for the consideration of the conference, so that, as soon as it be approved by the same, it be sent by the secretary-general to the department of foreign affairs of Mexico. The speaker applauded

á las referidas convenciones que importan un gran paso dado en el camino del progreso y que sólo pueden tener en poco aquellos que desconocen la historia, é ignoran, por lo mismo, que las conquistas de la humanidad sólo se logran con lentitud y á costa de inmensos sacrificios; pero no está conforme con la segunda parte de la proposición, que, en lugar de favorecer, estorba la consecución del objeto que todos se proponen. Si unos ya han aprobado el proyecto de adhesión á las convenciones de La Haya y otros lo han hecho suyo ¿qué utilidad puede sacarse de una discusión? ¿qué mayor prestigio, qué nueva fuerza puede agregar ésta á una resolución tomada ya por todas las delegaciones? Invocando el amor que debe reinar entre todos los miembros de la familia americana, suplica á la delegación de Chile saque á la conferencia de los breñales de este confuso debate reglamentario y retire la segunda parte de su proposición, diciendo: la obra de las quince delegaciones es la de la América entera, y rodeando de mayor solemnidad, á los ojos del mundo, la resolución que tome esta asamblea sobre asunto de tan vital importancia.

S. E. el Sr. Walker Martínez, delegado de Chile, se congratula de que S. E. el Sr. Macedo haya levantado este debate y lo haya rodeado de una atmósfera de generosidad y simpatía. La invocación á la fraternidad americana del hon. delegado de México, va á traer consigo, de seguro, una solución rápida y conveniente y á poner de acuerdo á todos los miembros de la asamblea acerca de la forma, ya que todos lo están igualmente en el fondo del asunto. Incidentalmente

the first part warmly, because it means the unanimous adherence of America to the conventions referred to, which constitute a great step forward on the road of progress, and which only those can depreciate who are ignorant of history and do not know, for that reason, that the conquests of humanity are only achieved slowly and at the cost of immense sacrifices; but that he was not in accord with the second part of the proposition, which, instead of favoring, prevents the accomplishment of the object which all propose to attain. If some had already approved the project of adherence to the conventions of The Hague, and others had adopted it, what practical utility could be derived from its discussion? What greater prestige, what greater force can such discussion add to a resolution already taken by all the delegates? Appealing to the affection which should reign among all the members of the American family, he entreated the delegation of Chile to rid the conference from the difficulties and confusion of this reglamentary debate, and to withdraw the second part of its proposition, by saying: "The work of the 15 delegations is that of all America," and surrounding thereby the resolutions of this assembly upon a matter of such vital importance with greater solemnity in the eyes of the world.

His excellency Mr. Walker Martínez, delegate for Chile, congratulated the conference that his excellency Mr. Macedo had elevated the character of this debate, and had infused into it an atmosphere of generosity and sympathy. The appeal to the American brotherhood of the honorable delegate of Mexico would bring with it, he was sure, a rapid and advantageous solution, and would cause all the members of the assembly to agree regarding the form, since they



sostuvo S. E. el Sr. Walker Martínez que no debía decirse que el proyecto de adhesión á las convenciones de La Haya estuviera firmado por quince delegaciones, porque el mandato del delegado de Venezuela expiró el 31 de diciembre, y cuando se trajo á esta conferencia, en la sesión anterior, dicho proyecto, ya la mesa tenía noticia oficial del retiro del representante de aquella república. Entrando al fondo del debate, el orador manifestó que, como antes ya había indicado, la delegación de Chile se encuentra en una situación difícil y embarazosa, porque opinando que la presidencia no está autorizada para haber dictado su trámite, ligada por sus deberes hacia México, no puede votar contra el referido trámite, lo que sería una falta de cortesía hacia dicha nación, y por lo mismo, se verá en la necesidad de abstenerse á la hora de recoger la votación. Para hacer desaparecer este conflicto, la delegación de Chile ruega de nuevo á la conferencia que acepte su proposición; que lo que se quiere hacer fuera del reglamento se haga dentro de él, y que, puesto que todos aceptan el pensamiento levantado de adherirse á las convenciones de La Haya, vengan todos al seno de esta asamblea á proclamarlo abiertamente con sus votos, dando una forma más solemne á idea tan grande y generosa. Si se tratara de un proyecto que no representara sino la opinión de una minoría, no se opondría la delegación de Chile á que se remitiera á la cancillería mexicana, por un simple trámite de la mesa; pero no puede observar igual conducta respecto de un tratado que cuenta con la adhesión unánime de la conferencia y al que, por lo mismo, desea ver revestido de mayor prestigio. No á la delegación de Chile, sino á las signatarias del proyecto, toca ceder en este punto y consentir en que para tomar esta resolución se observen

were already equally agreed with regard to the substance of the matter. He sustained, incidentally, that it should not be said that the project of adherence to the conference of The Hague was signed by 15 delegations, because the mandate of the delegate for Venezuela had expired on December 30, and, when the said project was introduced into the conference in the previous session, the chair had already official notice of the withdrawal of the representative of that Republic. Entering upon the substance of the debate, the speaker said that, as he had already previously stated, the delegation of Chile found itself in a difficult and embarrassing position, because, as it was of the opinion that the chair was not authorized to rule to have the project acted upon, bound by his duty toward Mexico, he could not vote against the ruling referred to, as it would be a want of courtesy toward that nation, and he, therefore, would be compelled to abstain from voting at the time of taking the votes. In order to remove this difficulty, the delegation of Chile again requested the conference to accept its proposition; that is what is to be done outside of the regulations should be done within it, and since all approve the exalted idea of adhering to the conventions of The Hague, let them all come to this assembly and openly proclaim it with their votes, thus giving a greater prestige to such a great and generous idea. If the question was of a project representing only the opinion of a minority, the delegation of Chile would not be opposed to it, being sent to the Mexican foreign office by a simple ruling of the chair; but it can not act in the same manner in respect to a treaty that is unanimously adhered to by the conference, and which, therefore, they desire to be endowed with greater prestige. It does not belong to

los trámites de reglamento. Además de estas razones, la delegación de Chile tiene una incontestable, que somete á la consideración de S. E. el Sr. Macedo y de toda la asamblea: los plenipotenciarios chilenos sólo lo son dentro de ésta, no fuera de ella; de modo que no tienen poder sino para firmar los tratados hechos de una manera regular, y discutidos y aprobados en el seno de la conferencia. Para probarlo, S. E. el Sr. Walker Martínez leyó su credencial, que para justificación de los delegados de Chile pidió se insertara, si no en el acta, por lo menos en los boletines que da la secretaría (Anexo núm. 1); y expuso que nada podría justificar que él y sus colegas salieran fuera de la conferencia, para hacer mal, lo que aquí podrían hacer bien, con razón, con verdad y con derecho. Recordando de nuevo la uniformidad de todas las delegaciones en la resolución que debe tomarse, excita nuevamente á la conferencia á que la consagre por medio de una votación solemne, que redundará en prestigio de la asamblea, prestigio en el que tanto están interesados, más que Chile, que vino á ella con recelo y desconfianza, los países invitantes y los que acudieron al llamado de éstos, llenos de esperanzas é ilusiones.

S. E. el Señor Presidente manifestó que en vista de las constantes censuras de S. E. el Sr. Walker Martínez á los procederes de la mesa, se veía obligado á romper el silencio que le impone su cargo, tanto para fijar de una manera precisa el asunto que está al debate, cuanto para interpelar á la delegación de Chile, de cuya con-

the delegation of Chile, but to the delegations that signed the project, to give in on this point, and to consent that, in order to approve this resolution the proceedings established by the regulations be complied with. Besides these reasons, the delegation of Chile has another indisputable one which it submits to the consideration of his excellency Mr. Macedo and of all the assembly: The Chilean plenipotentiaries have such representation only within the conference, not outside of it; therefore, they have only power to sign treaties entered into in the proper manner and which have been discussed and approved in the conference. In order to prove this, his excellency Mr. Walker Martínez read his credential, and in order to justify the action of the delegates of Chile he asked to have it inserted, if not in these minutes, at least in the bulletins issued by the secretary (Annex No. 1); and he stated that nothing could justify that he and his colleagues should go outside the conference to do badly what here could be done well, with justice, truth, and right. Referring again to the conformity of all the delegations on the resolution which must be taken, he recommended the conference, once more, that it should adopt it in a solemn manner which will redound to the prestige of the assembly, wherein the countries that issued the invitation which accepted it full of hopes and illusions, have more interest than Chile, which came with reserve and lack of confidence.

His excellency the president stated that, in view of the constant censures made by his excellency Mr. Walker Martínez on the rulings of the chair, he was obliged to break the silence which his official capacity, as president, imposes upon him, not only to determine in a precise manner the matter under debate, as also to appeal to

testación dependerá el trámite que dé la presidencia y el curso que deba tomar la discusión. Lo único que está al debate es el trámite de la mesa, que manda pasar á la secretaría general de la conferencia, para los efectos de la fracción 7, del art 1º. del reglamento, el oficio de las quince delegaciones que remitieron el proyecto de tratado subscripto por ellas; y lo prueba el sentido de toda la discusión que ha tenido lugar en las dos sesiones de ayer. Por consiguiente, la mesa estuvo correcta al anunciar que hoy continuaba la discusión sobre el referido trámite. Refiriéndose á la firma de S. E. el Sr. Galavis, hizo presente que podía decirse con toda exactitud que el proyecto de tratado lo habían presentado quince delegaciones, porque, sin la de Venezuela, tal era el número de las firmas que calzaban el referido proyecto, como podía convencerse la asamblea por la lectura que iba á hacer. S. E. el Señor Presidente terminó interpelando á la delegación de Chile para que se sirviera declarar si, como parecía desprenderse de las palabras de S. E. el Sr. Walker Martínez, retiraba su oposición al trámite de la mesa, porque así ya no tendría razón de ser la presente discusión.

S. E. el Sr. Walker Martínez, lamentó que S. E. el Señor Presidente, en lugar de ayudar á la delegación de Chile á suavizar este debate, quisiera arrastrarla á un terreno peligroso. Teme que S. E. no se haya dado cuenta exacta de la actitud tomada por su delegación. Esta insiste en su opinión de que el único precepto aplicable al caso, es el art. 10 del reglamento: tiene la convicción más arraigada de que la presidencia no ha te-

the delegation of Chile, on whose answer will depend the ruling which the chair will make, and the course which will be given to the discussion. The only thing under debate is the ruling of the chair ordering that the note of the 15 delegations, which sent the project of the treaty subscribed by them, be referred to the secretary-general of the conference in order to comply with the provisions of paragraph 7 of article 1 of the regulations, as is proved by the trend of the discussion which took place in the two sessions of yesterday. Therefore, the chair was right in announcing that to-day the discussion on the ruling referred to would be continued. Referring to the signature of his excellency Mr. Galavis, he stated that it might be said with all truth that the project of the treaty was presented by 15 delegations, because, without including that of Venezuela, such was the number of signatures at the end of said project, as the assembly would become convinced by the reading that he was about to make. His excellency the president closed by requesting the delegation of Chile to be good enough to say if, as could be inferred from the statements of his excellency Mr. Walker Martínez, it withdrew its opposition to the ruling of the the chair, because if such was the case the present discussion would be useless.

His excellency Mr. Walker Martínez deplored that his excellency the president should want to lead the delegation into a dangerous field, instead of helping it to smooth the debate. He feared that his excellency the president had not fully understood the standing that his delegation has taken. The Chilean delegation insisted on its belief that the only precept applicable in this case was article 10 of the regulations. He has the

nido facultad alguna para dictar el trámite que se discute. Pero, como antes ha expuesto, los delegados de Chile se encuentran cohibidos y en la imposibilidad de votar contra S. E., que es el miembro más caracterizado de la delegación de México, á quien deben respeto y consideración. Nada importa que con la firma de S. E. el Sr. Galavís, sean quince ó diez y seis las delegaciones signatarias del proyecto: el mayor ó menor número de esas delegaciones es indiferente, lo único que tiene importancia, es establecer que entre esas firmas no debe contarse la del delegado de Venezuela. Contestando á la interpelación de S. E. el Señor Presidente, le manifestó que cuando llegue la oportunidad, la delegación de Chile salvará su voto; pero que esto no significa su conformidad, y por lo mismo, el debate está vivo y tiene que continuar.

S. E. el Sr. Buchanan, delegado de los Estados Unidos, desea, en primer lugar, manifestar, en nombre de la delegación de su país, sus más sinceras gracias por la muy cortés y bondadosa alusión al Gobierno de los Estados Unidos del distinguido delegado de México. Después, refiriéndose al trámite de la mesa, que fué impugnado por la delegación chilena, para lo cual tenía perfecto derecho, dijo: que los que no estuvieran de acuerdo con la mesa, podían manifestarlo así y votar en contra. En seguida pasó á ocuparse de la índole del trabajo de que estaba tratando la conferencia, y demostró que todos estaban de acuerdo y con la intención de hacer todo lo posible por remover cualesquier obstáculos que impidiesen llegar á una buena inteligencia; de tal modo, que ninguna de las delegaciones á la conferencia tenía derecho de discutir ó tratar asuntos que pudiesen pro-

most firm conviction that the chair has had no right whatever to order the ruling under discussion. But, as he has stated before, the delegates for Chile find themselves restrained from, and in the impossibility of, voting against his excellency, who is the most conspicuous member of the Mexican delegation, to which they owe respect and consideration. It matters not whether the signature of his excellency Mr. Galavís makes the number of the delegations signing the project 15 or 16; the greater or lesser number of those delegations is immaterial; the only thing important is to decide that among those signatures that of Venezuelan delegate must not be counted. Replying to the interpelation of his excellency the president, he stated that when the opportunity arrives the Chilean delegation will reserve its vote, but that this does not mean that it expresses its consent, and therefore the debate is yet in vigor and must continue.

His excellency Mr. Buchanan, a delegate for the United States, desired first, on behalf of the United States delegation, to extend their most sincere appreciation of the very courteous and kindly reference made to the United States Government by the distinguished delegate for Mexico, the Hon. Mr. Macedo. Referring then to the ruling of the chair which had been challenged by the honorable Chilean delegation, as they had a perfect right to do, he said that those who were not at any time in accord with the rulings of the chair had the right, not only to say so, but to vote against it. He then dwelt on the character of the work upon which the conference was engaged, stating that it was a conference and not a congress of plenipotentiaries; that all had come together in friendliness and with an endeavor to do all they could to remove any obstacles in the

vocar objeciones por parte de las demás. Manifestó, también, que en el fondo la cuestión que se debatía, era de la mayor importancia, porque se refería al arbitraje. Durante los dos meses en que habían estado reunidos, todos conocieron con precisión las opiniones de sus colegas con respecto á ese asunto, y como se sabía que ciertas delegaciones habían expresado el deseo de evitar la discusión sobre determinadas fases de la cuestión referente al arbitraje, resolvieron firmar el protocolo que había sido presentado, y pidieron que se enviara al ministro de relaciones exteriores de México, para evitar de este modo las dificultades inherentes á la discusión. Dijo además, que las delegaciones que habían firmado el documento, estaban dispuestas á conceder igual derecho á cualquiera otra delegación, y que los que impugnaron el de los signatarios, no habían alegado buenas razones en apoyo de su tesis. Refiriéndose á los plenos poderes á que había dado lectura su distinguido colega el Sr. Walker Martínez, y en los cuales estaban comprendidos los de la delegación chilena, manifestó que á él le parecía que si la delegación era en efecto una delegación plenipotenciaria ad hoc, ella podía muy bien hacer cosas de menos importancia que las comprendidas en los amplios poderes de que se hallaba investida. En cuanto al protocolo mismo, su excelencia dijo que había sido firmado entre delegaciones que únicamente tenían que responder de sus actos ante sus respectivos gobiernos y no ante esta conferencia. Agregó que la delegación de que formaba parte había sido enviada aquí para procurar la buena armonía, y por consiguiente con el deseo de evitar cualquier incidente desagradable, y que esta delegación, junta con otras, había firmado dicho protocolo, en la inteligencia de que cono-

way of a good understanding, so that no delegation in the conference should discuss topics that might be objectionable to others. He further said that there was a great deal at the bottom of the question under discussion, because it referred to the subject of arbitration. That during the two months they had been together this had been the chief topic of discussion among the delegates; that all know the opinions of their colleagues regarding that subject, and that it was known by all that there were delegations here who had expressed a desire to have discussion on certain phases of the subject of arbitration avoided; that with that end in view the delegations represented by their signatories determined to sign the protocol they had asked to be sent to the minister of foreign affairs of Mexico; that the delegations who signed the document were each and all willing to grant an equal right to any other delegation or delegations, and that those who challenged the right of the signer had not presented good arguments in support of their position. Referring to the plenipotentiary powers which his distinguished colleague, Mr. Walker Martínez, had read, and which covered those of the Chilean delegation, he said that it seemed to him that a delegation plenipotentiary ad hoc could do the lesser things included in the greater powers extended them. As to the protocol itself, his excellency said that it was signed among delegations, answerable only for their acts to their different governments, and not to this conference. He added that his delegation had been sent here with instructions to do all they could in the interest of good will, and to avoid discussing anything disagreeable; that said delegation, with others, had signed this protocol knowing the conditions ex-

cían todas las condiciones existentes en lo relativo al asunto, como constaba á la delegación chilena. Además manifestó que en lo referente al punto en discusión, lo que se quería saber era si las delegaciones tenían ó no derecho, ya fuesen una ó dos, ó cinco ó quince, para enviar á la mesa de la conferencia cualquier documento firmado entre ellas y para solicitar que se leyese y trasmitiese de la manera indicada por ellas. Finalmente dijo: que nada sería más grato para la delegación de los Estados Unidos, que ver que las delegaciones de Chile y del Ecuador se adhirieran al tratado de La Haya; pero que por ahora la cuestión era sostener el trámite de la mesa sobre un punto dado y que él estaba en favor de que se sustuviese aquel trámite.

S. E. el Sr. Bermejo dijo: que en esta discusión se ha hablado mucho de reglamento; que las asambleas de este género no lo deben tener, como no lo tuvo la de La Haya, y la razón es muy sencilla: a diferencia de lo que pasa en los parlamentos, aquí el voto de la mayoría no obliga á la minoría, y bien sabido es que el objeto principal de los reglamentos parlamentarios es el de proteger los derechos de esa minoría. Recuerda las dificultades que se presentaron para la reunión de esta conferencia y que ya presagiaban las que ahora se están pulsando. Tratando con especialidad del arbitraje, recordó que desde el principio fué imposible llegar á un acuerdo unánime, tanto en la comisión como en la subcomisión nombradas. Desde luego se vió que había diversidad de opiniones y de tendencias, que, después de varias fases, vinieron á resumirse en estas dos formas: adhesión á la convención de La Haya, y tratado de arbitraje obligatorio. No puede haber ningún inconveniente en que todos firmen la primera, puesto que están con-

isting with regard to the subject, as did the Chilean delegation also. He further stated that, as to the point at issue, the question was simply whether or not delegations had a right, no matter whether there are one, or two, or five, or fifteen, to send to the desk of the conference anything signed among them, and to ask that it be read and transmitted outside the conference in such a manner as they may direct. He said, lastly, that nothing would give greater pleasure to the United States delegation than to see the Chilean and Ecuadorian delegations become members of The Hague treaty, but that, for the present, the question was merely one upon the ruling of the chair upon a given point.

His excellency Mr. Bermejo stated, that in the course of the discussion much had been said of the regulations; that assemblies like the present ought not to have them, as was the case with The Hague conference, and the reason was very simple: Contrary to what is the case in parliaments, here the vote of the majority does not bind the minority, and, as is well known, the principal object of the parliamentary regulations is to protect the rights of that minority. He recollected the difficulties which were met with for the assembling of this conference and which forebode those that have to be dealt with at present. Referring specially to arbitration, he recollected that from the beginning it was impossible to arrive at a unanimous understanding, both with regard to the committee and the subcommittee appointed. It could at once be seen that there was a difference of opinions and intentions, which, after taking several forms, were resumed in these two—adherence to the convention of The Hague, and a treaty of compulsory

formes con ella, y en que, por otro lado, los que no la encuentran bastante, subscriban entre sí un tratado más amplio y que satisfaga mejorsus aspiraciones. Para llegar á este resultado, parece de todo punto inútil la discusión que se pretende, porque además de que cada cual tiene sobre la materia las convicciones más arraigadas, los delegados de las Repúblicas aquí representadas, no obran á su antojo, sino que tienen que sujetarse á instrucciones precisas y terminantes de sus gobiernos. Por lo demás, la delegación Argentina, al igual de las otras, no ha eludido esa discusión. No tendría dificultad alguna en defender y proclamar altamente sus convicciones sobre este punto. Estuvo conforme con el procedimiento que conoce la conferencia, porque creyó que todos lo aceptaban y por respeto y consideración á la delegación Mexicana, que pensó que era el más apropiado para evitar desagradados y conservar la concordia entre todos los países de la América.

A la 1.30 p. m., S. E. el Señor Presidente anunció que se suspendía la sesión, para continuarla en la tarde, á la hora de costumbre.

A las 4.20 p. m. continuó la sesión, con asistencia de los mismos excelentísimos Señores Delegados que constan en la preinserta lista.

Se anunció que continuaba la discusión del trámite de la Mesa.

S. E. el Sr. Macedo, delegado de México, comenzó deplorando que la delegación chilena no encuentre bastantes sus poderes para firmar el pacto que han presentado las quince delegaciones, como la invitaba el orador. En estos asuntos cada uno es el único juez para apreciar el alcance y extensión de

arbitration. There can be no objection to the former being signed by all, since they are agreed thereto, and, on the other hand, that those who may not be satisfied with it sign among themselves a more ample treaty, the better to satisfy their aspirations. In order to attain such results, the intended discussion seems entirely useless, because apart from the fact that each had the most firm convictions on the matter, the delegates of the Republics herein represented did not act by their own free will but had to be subject to precise and conclusive instructions from their governments. The Argentine delegation, like the others, had not omitted to discuss that point. He would have no objection whatever in strongly defending and proclaiming his convictions with regard to this matter. He agreed in supporting the ruling before the conference, because he believed that all accepted it, and as a mark of respect and consideration to the Mexican delegation, believing it to be the most appropriate to avoid disagreements and to maintain harmony among all the countries of America.

It being 1.30 p. m., his excellency the president declared the session adjourned to be continued in the afternoon at the usual hour.

The session continued at 4.20 p. m. in the presence of their excellencies the same delegates mentioned in the list previously inserted.

It was announced that the discussion of the ruling of the chair would be resumed.

His excellency Mr. Macedo, delegate for Mexico, commenced by deploring that the delegation of Chile did not find its power sufficient to sign the convention presented by the 15 delegations, as the speaker had invited it to do. In such matters each one is the sole judge of the scope and exten-

su mandato y, por lo mismo, S. E. el Sr. Macedo respeta profundamente la convicción de los representantes de Chile, pidiendo á su vez que ellos hagan lo mismo con la muy arraigada que tienen los signatarios del tratado, de que al firmarlo, no han extralimitado en nada los poderes que tienen de sus gobiernos. Explica que cuando en su discurso anterior habló del espíritu del reglamento, se refería tan sólo á que iba á examinar la proposición de la delegación de Chile antes de que estuviera al debate, y de ningún modo á que el trámite de la mesa, que se discute, no estuviera enteramente ajustado á las prescripciones reglamentarias, de lo que estaba íntimamente convencido, creyendo inútil repetir los argumentos que, en apoyo de esta tesis, han hecho valer, con tanto brillo, los que le han precedido en el uso de la palabra. Cree indispensable justificar la obra de las quince delegaciones, por la parte que en ella tiene México, y declarar desde luego que no se hizo en antecámaras, ni puede aplicársele el epíteto de vergonzante, puesto que representa el acuerdo tomado, á ciencia de todos, por la mayoría de las delegaciones que forman esta conferencia, en uso del más perfecto derecho y obediendo á elevadísimas razones de prudencia y confraternidad, que ya han hecho presentes á esta asamblea SS. EE. los Sres. Buchanan y Bermejo. Si se ha adoptado el procedimiento que conocen los excelentísimos señores delegados, ha sido para evitar fricciones y teniendo en mira un pensamiento de conciliación; y á este respecto se cree obligado el orador, en su propio nombre, en el de su delegación, de su gobierno y de su pueblo, á manifestar su profunda gratitud á las delegaciones signatarias, por la exquisita prudencia con que han obrado y que tan poderosamente ha contribuido á evi-

sion of his authority, and for that reason his excellency Mr. Macedo greatly respected the conviction of the representatives of Chile, but requested at the same time that they should do likewise with regard to the deeply rooted one entertained by the signatories of the treaty, that in signing it have not overstepped in any way the power given to them by their Governments. He explained that when, in his previous speech, he spoke of the spirit of the regulations, he only intended to state that he was going to examine the proposition of the delegation of Chile before it was put under discussion, but not that the ruling of the chair, which is being discussed, was not entirely in accordance with reglamentary precepts, of which fact he was thoroughly convinced, and he believed it useless to repeat the arguments which, in support of this thesis, those who have preceded him in speaking thereon had advanced in such a brilliant manner. He believed it indispensable to justify the work of the 15 delegations, on account of the part which Mexico had taken in the same, and to declare categorically that it was neither concocted in the antechambers, nor could the term "surreptitious" be applied to it, inasmuch as it represented the agreement arrived at, with the knowledge of all, by the majority of the delegations who form this conference, in the exercise of the most perfect right, and in obedience to the most exalted reasons of prudence and fraternal feeling, which reasons had already been stated to the assembly by their excellencies Messrs. Buchanan and Bermejo. If the proceedings, of which their excellencies the delegates are all aware, had been adopted, it was in order to avoid friction and with ideas of conciliation, and in this regard the speaker believed him-



tar mayores dificultades. Teme S. E. el Sr. Walker Martínez que este segundo Congreso Pan-Americano sea un fracaso. Es infundado tal temor: Para probarlo, basta recordar que los pueblos americanos se han acercado y conocido, logrando así el objeto principal de su reunión; que se han celebrado seis tratados, que va á quedar consignada la adhesión á las convenciones de La Haya y que se ha concertado otro tratado de arbitraje obligatorio. Cree el orador de su deber, como Mexicano, dar las más cumplidas gracias al hon. delegado de Chile por la deferencia á que se cree obligado para con el presidente de esta asamblea; pero le suplica que no extreme sus miramientos hasta el punto de olvidar que S. E. el Sr. Raigosa no pertenece ya á la delegación de Mexico, sino á toda la conferencia, por las funciones que ésta le ha encomendado; que la delegación de Chile, como todas las demás, está en su más perfecto derecho para combatir los trámites de la mesa y para votar en su contra; y que México nunca se sentirá lastimado de que así lo haga, porque sabe que el que usa de su derecho á nadie ofende.

S. E. el Sr. Bello Codecido, delegado de Chile, dijo que no quería alargar este debate que parecía agotado; pero que necesitaba pronunciar algunas palabras más, en contestación al brillante discurso

self under the obligation to express, in his own name, in that of his delegation, of the Government, and of his people, his deep gratitude to the signatory delegations for the great prudence with which they have acted and with which they have contributed so effectively to prevent greater difficulties. His excellency Mr. Walker Martínez feared that the second Pan-American Congress would result in a failure. Such fear was unfounded, and in proof of his assertion, it was sufficient to recollect that the American nations had approached and become acquainted with each other, accomplishing in this manner the principal object of their reunion; that six treaties had been concluded; that the adherence to the conference of The Hague had been firmly established, and that another treaty on compulsory arbitration had been agreed upon. The speaker believed it to be his duty as a Mexican to offer to the Chilean delegation his most sincere thanks for the deference which it believed itself obliged to observe toward the president of the assembly, but he asked that it should not carry this sentiment to the point of forgetting that his excellency Mr. Raigosa no longer belongs to the delegation of Mexico, but to the whole conference, by reason of the office which it had intrusted to him; that the delegation of Chile, like all the others, was in its most perfect right to oppose the rulings of the chair and to vote against them, and that Mexico would never feel hurt if it should do so, because it knows "that he who uses his right offends no one."

His excellency Mr. Bello Codecido, delegate for Chile, said that he did not desire to prolong this debate, which appeared already exhausted; but that it was necessary for him to say a few words

de S. E. el Sr. Macedo. Ha aplaudido éste hasta el lirismo la primera parte de la proposición de la delegación de Chile, en que manifiesta su adhesión á los tratados de La Haya; pero le ha pedido que retire la segunda parte, y el orador se propone manifestarle las incontestables razones que su delegación tiene para negarse á hacerlo, por más que le contrarie no poder complacer á su excelencia. Desarrolló los argumentos ya expuestos por la delegación de Chile, encaminados á demostrar que no tiene facultades para representar á su país sino en el seno de la conferencia; y que es preferible que la adhesión de las naciones americanas á las convenciones de La Haya, tome la forma más solemne de un voto emitido por la conferencia, con arreglo á sus prácticas reglamentarias. Expuso que la delegación de Chile no atacaba ni censuraba las resoluciones de la presidencia, sino se esforzaba en encontrar el procedimiento más apropiado para lograr el objeto que todos se proponen. Dice S. E. el Sr. Buchanan que el medio escogitado por las quince delegaciones signatarias es el más adecuado para evitar discusiones enojosas, sobre la candente cuestión del arbitraje; pero no reflexiona, sin duda, en que si se aceptara la proposición de Chile, no habría tal discusión, puesto que ya hay un acuerdo previo y unánime de todas las delegaciones, acerca de la conveniencia de la adhesión á las convenciones de La Haya. Para concluir hace observar que se han presentado dos peticiones á la conferencia: la de las quince delegaciones signatarias y la de la proposición de Chile; que la segunda es una modificación de la primera, y que, por lo mismo, fundándose en los preceptos reglamentarios, pide á la presidencia que se vote inmediatamente la

in reply to the brilliant address of his excellency Mr. Macedo. The latter had applauded enthusiastically the first part of the proposition of the delegation of Chile, in which it manifested its adherence to the treaties of The Hague, but had asked it to withdraw its second part, and the speaker proposed to state the unanswerable reasons which his delegation had for refusing to do so, as much as it regretted not to be able to oblige his excellency. He reiterated the arguments already advanced by the delegation of Chile, and which were intended to demonstrate that it has no power to represent its country, except within this conference, and that it was preferable that the adherence of the American nations to the convention of The Hague should take the most solemn form of a vote by the conference, in accordance with its reglamentary precepts. He stated that the delegation of Chile did neither attack nor censure the rulings of the chair, but endeavored to find the most appropriate mode of proceeding, in order to accomplish the object which they all proposed to attain. His excellency Mr. Buchanan had said that the method chosen by the 15 delegations was the most effective one to avoid angry discussions over the burning question of arbitration, but doubtless he did not consider that, if the proposition of Chile were accepted, then there would be no such discussion, inasmuch as there would exist already a previous and unanimous agreement of all the delegations regarding the expediency of the adherence to the conventions of The Hague. He concluded by stating that two petitions had been submitted to the conference: that of the 15 signatory delegations, and the proposition of Chile; that the latter one was a modification of

proposición chilena, antes que la petición de las otras delegaciones.

S. E. el Sr. Buchanan, delegado de los Estados Unidos, dijo: que quería manifestar su gratitud á su buen amigo el Sr. Bello Codecido y á los otros miembros de la delegación de Chile, por la manera cortés como habían presentado la cuestión desde su propio punto de vista. Además manifestó que deseaba hacer dos súplicas en nombre de los que habían firmado el protocolo: en primer lugar, que se agregase al documento una declaración en el sentido de que nada de lo contenido en él era aplicable, ni podía llegar á serlo, á cualquiera delegación que no lo hubiera firmado; y, en segundo lugar, que también se agregase al protocolo una copia certificada del telegrama ó telegramas que se hallan en poder de la conferencia, dirigidos por el gobierno de Venezuela y referentes al retiro de la delegación de aquel país. Finalmente, manifestó que el punto que debía resolverse en la conferencia, no era el relativo á saber si el protocolo había sido firmado dentro ó fuera de ella, ni cualquiera otra cosa concerniente á las facultades de aquellos que lo habían firmado, sino simplemente averiguar si era correcto el trámite de la mesa que se estaba discutiendo.

S. E. el Señor Alzamora, delegado del Perú, manifestó que no debería tomar parte en esta discusión, por compromisos que tiene contraídos con las delegaciones de México de los Estados Unidos de América; pero que como se ha hecho á las delegaciones signatarias el cargo de no sostener el trámite de la mesa y de rehuir la discusión, como se ha hablado de diplomacia florentina, se creía en

the former, and that, for this reason, relying on the provisions of the regulations, he asked the chair to put the proposition of Chile immediately to a vote, before the proposition of the other delegations.

His excellency Mr. Buchanan, a delegate for the United States, said he wished to express his thanks to his good friend Mr. Bello Codecido and the other members of the Chilean delegation, for the courteous manner in which they have presented the subject from their point of view. He further said that he wished to make two requests at this time, in the name of those who had signed the protocol: first, that there shall be attached to the document a statement to the effect that nothing therein contained was intended to have, nor should it have, application to any delegation who had not signed the document; and, second, that a certified copy of the telegram or telegrams in the office of the conference, from the government of Venezuela, touching the withdrawal of that delegation, be attached to the protocol. He finally said that the question before the conference was not whether or not the protocol was signed within or without the conference, or anything with regard to the authority of those who signed it, but simply as to whether the ruling of the chair, in question, was correct.

His excellency Mr. Alzamora, a delegate for Peru, stated that he should not have taken part in the discussion, by reasons of obligations he had contracted with the delegations of Mexico and of the United States of America, but as the signatory delegations had been charged with not sustaining the rulings of the chair, and with trying to avoid the discussion, and as the expression "Florentine diplo-

el ineludible deber de pronunciar algunas palabras para explicar la conducta de su delegación y para referir la historia de este asunto. Extraña le parece la oposición de la delegación de Chile á que la presidencia obsequie la petición de las delegaciones signatarias. Se quiere someterá discusión un asunto que no la necesita, porque está enteramenteterminado. Se quiere hacer de él una cuestión de reglamento, olvidando que hay cosas, como los acuerdos de las naciones soberanas, que son superiores á todos los reglamentos. Se pide someter el proyecto á una comisión, que después de tres meses no ha podido llegar á nada práctico. Se habla de la responsabilidad de la conferencia, cuando, si hay alguna, es tan sólo de las delegaciones que han subscrito el tratado. Se indica que éste no es obra de la asamblea, porque ha sido concertado fuera de ella, sin fijarse en que todo lo que hagan los plenipotenciarios que la forman, donde quiera que lo hagan, debe reputarse como su obra. Parece necesario al orador hacer alguna explicación, á fin de que los pueblos y los Gobiernos puedan comprender esta situación, que de lejos ha de parecerles un enigma. Desde que en la Oficina de las repúblicas Americanas tuvo lugar el cambio de programa que todos conocen, se estableció una doble corriente y se dividieron las opiniones sobre si debía ó no tratarse en la conferencia el arbitraje. Inaugurado el congreso, se formó una comisión especial, compuesta de un miembro por cada una de las delegaciones, y esto es lo que explica, en concepto del orador, la esterilidad de sus trabajos. Las delegaciones de los Estados Unidos de América y de México, deseosas de conservar la armonía entre todos, procuraron circunscribir la discusión á grupos más ó menos homogéneos, y animadas de un sentimiento generoso,

macy" had been used, he believed it to be his unavoidable duty to say a few words for the purpose of explaining the conduct of his delegation, and to review the history of this matter. He thought it strange that the delegation of Chile should oppose a compliance by the chair of the request of the signatory delegations. It was desired to subject to discussion a matter which does not need it, because it was definitely determined. It was desired to make out of this a matter to be decided by the regulations, forgetting that there are things, such as the agreements between sovereign nations, which are superior to all rules, to all laws, and, even at times, to all constitutions. It was asked to refer the project to a commission which, after three months, has not been able to arrive at anything practical. The responsibility of the conference was spoken of, when, if any responsibility existed, it only belonged to the delegations who have subscribed the treaty. He pointed out that this treaty was not the work of the assembly, because it has been agreed upon outside of the conference, but it must be remembered that whatever may be done by the plenipotentiaries forming the assembly, no matter where they act, their work must be considered as that of the assembly. The speaker thought it necessary to give some explanation in order that the peoples and the Governments may understand this condition, which at first must appear to them as an enigma. Since the change of programme, known to all of us, took place in the Bureau of American Republics, a difference in the opinions and tendencies as to whether or not the question of arbitration should be considered in the conference, had arisen. After the inauguration of the congress, a special committee was appointed, composed of one member

hicieron laudables esfuerzos para llegar á un terreno de conciliación. Como resultado de ellos se concertaron los dos tratados que conoce la asamblea; uno de simple adhesión á la convención de La Haya y otro más amplio de arbitraje obligatorio. Ambos son fruto de una labor incesante de tres meses, ambos representan el principio triunfante del arbitraje, y, como son solidarios, no hay razón para que sigan suerte diferente y para que se pretenda someterlos á distintos trámites. La delegación de Chile, según ha manifestado S. E. el Sr. Buchanan, exigió que no se discutieran en el seno de esta conferencia ciertos aspectos del arbitraje, y cuando en contemplación á esa exigencia, y con el único fin de conservar la armonía entre todos, las delegaciones signatarias escogitaron el medio que conoce la asamblea, ven ahora con sorpresa que esa misma delegación les reprocha el haber firmado fuera su tratado y les pide que sea sometido á los trámites comunes del reglamento. La delegación de Chile manifiesta el deseo de que se discuta aquí este asunto; la del Perú, lejos de tener algún inconveniente, comparte con entusiasmo ese deseo, y si las delegaciones de los Estados Unidos y de México la relevan de su compromiso, entrará gustosa al debate, á sostener con profunda convicción sus opiniones sobre el arbitraje amplio y obligatorio.

of each of the delegations, and this fact, in the opinion of the speaker, explains the cause of the unfruitfulness of its labors. The delegations of the United States and of Mexico, desirous as they were of maintaining harmony among all, endeavored to limit the discussion to groups more or less homogeneous, and being prompted by a noble sentiment, made worthy efforts, in order to reach some conciliatory ground. As a result of this effort, the two treaties known to the assembly were agreed upon: One as a simple adherence to the convention of The Hague, and the other, more ample, on compulsory arbitration. Both are the outcome of constant labor of three months; both represent the triumphant principle of arbitration, and as they are both connected there is no reason why they should follow a different course and be submitted to different proceedings. The delegation of Chile, according to the statements of his excellency Mr. Buchanan, exacted that certain points of arbitration should not be discussed in the conference, and when the signatory delegations chose the method known to the assembly, so as to comply with that requirement, and only with the object of preserving harmony among all, they were surprised to see that the same delegation reproached them for having signed their treaty outside the conference, and requested that it be submitted to the regular proceedings of the regulations. The delegation of Chile asserted its desire that this matter be discussed here in the conference; that of Peru, far from having any objection, enthusiastically shared that same desire, and if the delegations of the United States and Mexico would relieve it from its obligation, it will gladly enter the debate, to sustain with a firm conviction its opinions on the matter of ample and compulsory arbitration.

S. E. el Señor Presidente dijo: que no podía acceder á la solicitud de S. E. el Sr. Bello Codecido, delegado de Chile, acerca de que se votara inmediatamente la proposición presentada por su delegación, porque aunque conforme al art. 17, que leyó, deben discutirse y votarse antes que cualquier texto las modificaciones que tiendan á alterarlo, si se examina la proposición chilena, se verá que su primera parte se limita á manifestar la adhesión á las convenciones de La Haya, lo que no modifica, de seguro, el tratado de las quince delegaciones; y en cuanto á su segunda parte, que propone someter dicho tratado á la discusión de la asamblea, tampoco puede decirse que le sea aplicable el art. 17, porque la nota de las delegaciones no es una proposición, sino una simple constancia de hechos, no susceptible de debate. La verdad es que dicha segunda parte sólo se refiere al trámite de la mesa; que es inadmisibile la división sutil que se quiere establecer entre los procedimientos de ésta y los de la conferencia; y que lo único que en realidad ha sido combatido por la delegación chilena, lo único que se ha estado discutiendo y que debe someterse, en definitiva, al voto de la asamblea, es el trámite de la presidencia. S. E. concluyó pidiendo á la conferencia le haga completa justicia al reconocer la absoluta libertad de que han usado todas los excelentísimos señores delegados en el curso de este debate.

S. E. el Sr. Blest Gana, delegado de Chile, se complace en reconocer la justificación de la presidencia. Declara que la delegación de Chile, aunque oyó proposiciones, no tuvo que hacer concesiones de ninguna clase ni ha contraído compromisos con nadie acerca de este asunto; que desde el principio expresó con toda lealtad sus opiniones y deseos;

His excellency the president stated that he could not grant the request of his excellency Mr. Bello Codecido, delegate for Chile, to the effect that the proposition submitted by his delegation should be voted on immediately, because, although in conformity with article 17, which he read, modifications tending to alter a resolution must be discussed and voted on before the resolution, if the Chilean proposition is examined, it will be seen that its first part refers only to the adherence to the conventions of The Hague, which does not certainly modify the treaty of the 15 delegations; and with regard to the second part, in which it is proposed to submit said treaty to the discussion of the assembly, it can not either be said that article 17 is applicable thereto, because the note of the delegations is not a proposition but a simple statement of facts not susceptible of discussion. The truth is that the said second part only refers to the ruling of the chair; that the slight difference which it is intended to establish between the proceedings of the chair and those of the conference was unacceptable; that the only thing which had really been objected to by the Chilean delegation, the only thing which has been discussed and must definitely be submitted to the assembly, was the ruling of the chair. His excellency closed by requesting the conference to do him full justice by recognizing the absolute liberty which all the delegates had in the course of the debate.

His excellency Mr. Blest Gana, a delegate for Chile, was pleased to recognize the justification of the chair. He declared that the delegation of Chile, although it made a proposition, did not make concessions of any kind, nor had contracted any obligation with anybody on this matter; that he expressed, from the beginning,

que aprecia en todo lo que valen los generosos esfuerzos de las delegaciones de los Estados Unidos y de México para conservar la armonía entre todos; que no ha pedido que se pase el negocio al estudio de la comisión de arbitraje, y lo único que quiere es que en el seno de esta asamblea, con todas las formalidades de reglamento, se tome la resolución unánime de adherirse á las convenciones de La Haya, dándole así mayor prestigio y autoridad. La delegación de Chile, conforme á las declaraciones de su Gobierno, anteriores á la reunión de esta conferencia, no está dispuesta á admitir una discusión sobre el arbitraje en términos generales: ha expuesto siempre, con toda franqueza, que acepta las convenciones de La Haya; pero también ha hecho presente con insistencia que no creía correctos los medios propuestos para manifestar esa adhesión.

A las 6.30 p. m., S. E. el Señor Presidente anunció, que habiendo pasado la hora de reglamento, se levantaba la sesión, para continuarla mañana á la hora de costumbre.

[Anexo Num. 1.]

Credencial de S. E. el Sr. D. Joaquín Walker Martínez, delegado de Chile.

*Aníbal Zañartu, vicepresidente de la República de Chile, á todos los que las presentes vienen, salud:*

Por cuanto juzgo conveniente que la República tenga representación en la Conferencia Internacional Americana que habrá de reunirse en la ciudad de México en Octubre próximo;

Por tanto, concurriendo en Don Joaquín Walker Martínez, enviado extraordinario y ministro

his opinions and desires with all sincerity; that he appreciated for what they were worth the noble efforts of the delegations of the United States and Mexico toward preserving harmony among all; that he had not asked that the matter be referred to the committee on arbitration for its consideration; and that the only thing he wished was the unanimous resolution of adherence to the conventions of The Hague be resolved by the assembly with all the formalities of the regulations, thus giving to it a greater prestige and authority. The Chilean delegation, in conformity with the declaration of its Government previous to the assembling of this conference, was not disposed to accept a discussion on arbitration in general terms; it had always asserted with all frankness that it accepted the convention of The Hague; but it had at the same time asserted frequently that it did not consider the method proposed to declare that adherence as correct.

At 6.30 p. m. it was announced that as the hour fixed by the regulations had passed the session would adjourn, to be continued tomorrow at the customary hour.

[Annex No. 1.]

Credential of His Excellency Mr. Joaquín Walker Martínez, a delegate for Chile.

*Aníbal Zañartu, vice-president of the Republic of Chile, to all whom these presents shall come, greeting:*

Whereas I deem it convenient that the Republic be represented at the International American Conference to be held in the City of Mexico in October next:

Therefore, considering that in Mr. Joaquín Walker Martínez, envoy extraordinary and minister

plenipotenciario de Chile en los Estados Unidos de América, la capacidad, celo y demás aptitudes que se requieren, he resultado acreditarlo, y por las presentes lo acredito en calidad de enviado extraordinario y Ministro Plenipotenciario ad hoc en la conferencia ya indicado, dándole plenos y absolutos poderes para que se entienda con los plenipotenciarios que allí se reunan, sobre las medidas que se considere tendentes á asegurar el fin que la conferencia se propone.

Todo lo que el mencionado Don Joaquín Walker Martínez estipulare y firmare con dichos Plenipotenciarios, prometo aprobarlo y ratificarlo en debida forma y cumplirlo en todas sus partes, previa la correspondiente sanción del Congreso Nacional.

En fe de lo cual le hice expedir las presentes, firmadas de mi mano, selladas con el sello de las armas de la República y refrendadas por el infrascrito Ministro de Estado en el Despacho de Relaciones Exteriores.—Dadas en Santiago de Chile, á los trece días del mes de Septiembre del año 1901.

(Firmado.) ANÍBAL ZAÑARTU,  
LUIS V. RODRÍGUEZ.

### *Acta núm. 32.*

Sesión del día 17 de Enero de 1902.

Presidencia de S. E. el Sr. Lic. D. GENARO RAIGOSA.

Estando presentes señores Delegados de diez y siete Repúblicas de Norte, Centro y Sud-América, se abrió la sesión á las 11 a. m.

Los Excelentísimos señores Delegados presentes fueron:

*Argentina*.—Dr. D. Antonio Bermejo, Dr. D. Lorenzo Anadón.

*Bolivia*.—D. Fernando E. Guachalla.

*Colombia*.—General D. Rafael Reyes.

*Costa Rica*.—D. Joaquín Bernardo Calvo.

plenipotentiary of Chile in the United States of North America, concur the necessary intelligence, zeal, and other abilities, I have decided to accredit him as envoy extraordinary and minister plenipotentiary ad hoc to the above-mentioned conference, with full and absolute powers to agree with the other plenipotentiaries there assembled on such matters as may be considered will tend to insure the purposes of the conference.

Whatsoever the said Mr. Joaquín Walker Martínez should stipulate and sign with said plenipotentiaries, I hereby promise to approve and ratify in due form, and fully comply with it, after the corresponding sanction of the national congress.

In virtue whereof, I have caused these presents to be issued, signed by me, sealed with the grand seal of the Republic and countersigned by the undersigned minister of state for the department for foreign affairs.—Issued at Santiago de Chile, this 13th day of September, 1901.

(Signed) ANIBAL ZAÑARTU, LUIS V. RODRIGUEZ.

### *Thirty-second Day.*

Session of the 17th day of January, 1902.

Presidency of his Excellency GENARO RAIGOSA

The session was called to order at 11 a. m. in the presence of Delegates from seventeen of the North, Central, and South American Republics.

Their Excellencies the Delegates present, were as follows:

*Argentina*.—Antonio Bermejo, Lorenzo Anadón.

*Bolivia*.—Fernando E. Guachalla.

*Colombia*.—General Rafael Reyes.

*Costa Rica*.—Joaquín Bernardo Calvo.



# INTERNATIONAL CONFERENCE OF AMERICAN STATES.

*Chile.*—D. Alberto Blest Gana, D. Emilio Bello Codecido, D. Joaquín Walker Martínez, D. Augusto Matte.

*Dominicana.*—D. F. Henríquez y Carvajal, D. Luis Felipe Carbo, D. Quintín Gutiérrez.

*Ecuador.*—D. Luis Felipe Carbo.

*El Salvador.*—Dr. D. Francisco A. Reyes, D. Baltasar Estupinian.

*Estados Unidos de América.*—William I. Buchanan, Charles M. Pepper, Volney W. Foster.

*Guatemala.*—Dr. D. Antonio Lazo Arriaga, Coronel D. Francisco Orla.

*Haiti.*—Dr. D. J. N. Léger.

*Honduras.*—Dr. D. Fausto Dávila.

*México.*—Lic. D. Genaro Raigosa, Lic. D. Joaquín D. Casasús, Lic. D. José López-Portillo y Rojas, Lic. D. Emilio Pardo, jr., Lic. D. Pablo Macedo, Lic. D. Alfredo Chavero, Lic. D. Francisco L. de la Barra, Lic. D. Manuel Sánchez Mármol, Lic. D. Rosendo Pineda.

*Nicaragua.*—Dr. D. Fausto Dávila.

*Paraguay.*—D. Cecilio Baez.

*Peru.*—Dr. D. Issac Alzamora, Dr. D. Alberto Elmore, D. Manuel Alvarez Calderón.

*Uruguay.*—Dr. D. Juan Cuestas.

Fué aprobada el acta de la sesión del día 15 del corriente.

S. E. el Sr. Gauchalla, Delegado de Bolivia, dijo: Me levanto muy gustoso par dar las gracias al ilustre mexicano y por muchos títulos respetable y distinguido colega nuestro, Hon. Sr. Pablo Macedo, por las benévolas expresiones con que ha hecho justicia á la actitud asumida por las diez Delegaciones que hemos firmado el Tratado de Arbitraje obligatorio que pronto ha de leerse; y creo que interpreto también el sentimiento de mis honorables colegas, á quienes me refiero, al hacer pública, en su nombre y en el mío, la expresión de nuestra viva gratitud. Bolivia, y es preciso que conste una vez más, no ha

*Chili.*—Alberto Blest Emilio Bello Codecido, Joaquín Walker Martínez, Augusto Matte.

*San Domingo.*—F. Henríquez y Carvajal, Luis Felipe Carbo, Quintín Gutiérrez.

*Ecuador.*—Luis Felipe Carbo.

*Salvador.*—Francisco A. Reyes, Baltasar Estupinian.

*United States of America.*—William I. Buchanan, Charles M. Pepper, Volney W. Foster.

*Guatemala.*—Antonio Lazo Arriaga, Colonel Francisco Orla.

*Haiti.*—J. N. Léger.

*Honduras.*—Fausto Dávila.

*Mexico.*—Genaro Raigosa, Joaquín D. Casasús, José López-Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

*Nicaragua.*—Fausto Dávila.

*Paraguay.*—Cecilio Baez.

*Peru.*—Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

*Uruguay.*—Juan Cuestas.

The minutes of the session of the 15th instant were approved.

His excellency Mr. Guachalla, a delegate for Bolivia, stated: I gladly rise to express my thanks to his excellency Mr. Pablo Macedo, the illustrious Mexican, who for many reasons is also our respected and distinguished colleague, for the kind expressions with which he had praised the stand taken by the delegations which have signed the treaty of compulsory arbitration, soon to be read, and I believe that I am also interpreting the feelings of my honorable colleagues to whom I refer, in making public in their name and my own the expression of our sincere gratefulness. Bo-

venido á esta Conferencia á hacer el papel de litigante, como lo he dicho desde el primer momento, en diversas ocasiones, ni á quejarse contra nadie, ni á pedir nada para sí, sino para todas las naciones aquí representadas; ha venido á la obra común con el mismo espíritu de *americanismo*, permítaseme la palabra, que me complace en atribuir á todos mis honorables colegas. No ha traído ningún interés egoísta, porque su único interés es la paz y la concordia de lo que se ha llamado y debe ser realmente la familia americana. Obedeciendo á este único propósito, y como Representante de Bolivia, jamás he sostenido largas discusiones, ni pretendido imponer mis ideas, por lo mismo que respeto demasiado las ajenas. He creído, además, que ante una Asamblea de tan notables estadistas no podía decirse nada nuevo, que ellos no lo supiesen; que en materias transcendentales estaba ya formada la convicción de todos, y que no iban á cambiar de opinión oyendo discursos más ó menos extensos y brillantes; y que, en fin, el voto sólo obliga á los que lo emiten en uno ú otro sentido. Una prueba más de lo que estoy diciendo, es la buena voluntad y deferencia con que acabo de aceptar la respetable insinuación de mi Honorable amigo, Sr. Buchanan, para no presentar en este momento algunas consideraciones que me proponía someter á la Conferencia, acerca de muchas otras que he escuchado en las dos sesiones de ayer. Dejo de hacer uso de todos los argumentos que tenía preparados y que constan en los apuntes que tengo á la vista, porque ante todo, quiero y proclamo muy alto la armonía y la buena inteligencia entre todas las Delegaciones reunidas en este augusto recinto. Mas, al retirar la exposición á que aludo, no puedo omitir una consideración que, entre otras, justifica mi voto de adhesión

livia, it must be repeated, has not come to this conference for the purpose of litigating, as I have asserted from the beginning on several occasions, nor to make petitions of any kind for itself only, but for all the nations represented here; it has come to labor in common, with the same spirit of Americanism, permit me the phrase, which I am pleased to attribute to all my honorable colleagues. Bolivia has not come with any selfish interest, because its only interest is the peace and harmony of what has been called and must really be so, the American family. In compliance with the only purpose, and as a representative of Bolivia, I have never entered into long discussions, nor have I pretended to force my ideas, just because I have enough respect for the ideas of others. I have further believed that before an assembly of such notable statesmen nothing new could be said that was not known to them; that in regard to transcendental questions all had formed their own convictions, and that they would certainly not change their opinion by listening to more or less extensive and brilliant speeches, and that, lastly, a vote only binds those who cast it one way or the other. My action in accepting willingly and with all deference the respectful suggestion of my honorable friend, Mr. Buchanan, that I may not present at this time some considerations, which I had intended to submit to the conference, in regard to several arguments which I have listened to in the session of yesterday, is a further proof of my assertions. I will abstain from making use of all the arguments which I had prepared, and are contained in the notes I have before me, because above all I wish for and strongly proclaim harmony and good will among all the delegates assembled in this hall. But

á las Convenciones de La Haya. Cuando la respetable Cancillería y la muy distinguida Delegación de México, colocadas en el fiel de la balanza, se proponían buscar una solución satisfactoria para todos en la delicada materia de Arbitraje; cuando se nos habló, en nombre de la conciliación, con una elevación de miras que aplaudimos y que siempre será un motivo de grato recuerdo para los que hemos tenido la fortuna de venir á esta ilustre capital; cuando se nos pidió, en nombre de esos elevados sentimientos, nuestro concurso á la obra de la paz; respondimos con júbilo á esa noble iniciativa, declarando que estábamos de acuerdo en tan levantados propósitos, y que, de nuestra parte, pondríamos cuanto fuese preciso para el éxito de la labor á que se nos invitaba. Esto dijimos las Delegaciones signatarias del Tratado á que me he referido; y con ánimo sereno y decidido acometimos una empresa que para muchos parecía imposible, pero que felizmente ha alcanzado un resultado del que todos debemos congratularnos. En la larga serie de conferencias celebradas por grupos más ó menos numerosos, conferencias cuyo sentido y alcance se conocía por todos, minuto por minuto, se nos propuso adherirnos á las Convenciones de La Haya y firmar, al mismo tiempo, un Tratado de Arbitraje obligatorio. Me pareció, y lo confieso con ingenuidad, que ese plan era ilógico y contradictorio. Así lo expresé. Pero á poco reflexionar y escuchando varios razonamientos de parte de distinguidos publicistas mexicanos, me convencí de que era correcto dicho plan; porque los que sostenemos el Arbitraje amplio y sin restricciones, no desconocemos el derecho de los que lo desean limitado ó facultativo. Hemos firmado, pues, dos tratados que hacen un todo inseparable: uno con los que proclaman el Ar-

on withdrawing the notes alluded to I can not omit a consideration which, among others, justifies my vote of adherence to the conventions of The Hague. When the honorable foreign office and the very distinguished delegation of Mexico looked for a satisfactory solution for all in the serious question of arbitration; when we were spoken to on behalf of reconciliation in the exalted manner in which we all applauded and which will always be a cause of pleasant remembrance to us who have had the good fortune of coming to this illustrious capital; when in the name of those exalted principles we were asked to join in the work of peace, we were very happy to answer to this noble initiative by declaring that we all were in accord with such exalted intentions, and that we would concur our part labor as much as was necessary for the success of the work to which we were invited. These were the opinions of the delegations signing the treaty to which I refer, and we have with a serene and determined mind undertaken an enterprise which to many seemed impracticable; but which has happily attained a result as to which we all must congratulate ourselves. In the long series of sessions held by groups more or less numerous, the meaning and scope of which sessions were known to all, minute by minute, it was proposed that we should adhere to the conventions of The Hague, and at the same time sign a treaty of compulsory arbitration. It seemed to me, and I confess it candidly, that that plan was illogical and contradictory. I thus express it. But after considering it upon listening to several remarks from distinguished Mexican publicists, I became convinced that said plan was correct; because we, who maintain an ample arbitration without restrictions, do not ignore the

bitraje obligatorio, y otro con los que lo quieren facultativo; es decir: lo más con los unos, lo menos con los otros, pero siempre el Arbitraje; triunfando de este modo, no afuera, sino dentro de la Conferencia, la idea fundamental, sin menoscabo de la dignidad de nadie y con beneplácito de todos. Consumado así este hecho que no puede votarse nuevamente, porque eso importaría tanto como pedir el reconocimiento de nuestras firmas; y porque ese hecho es ya indiscutible, me halaga la idea de que los que no han firmado el Tratado cuyo trámite se discute, pueden hacerlo en cualquier momento, para que podamos decir que la América entera proclama la paz y la justicia por medio del Arbitraje. En esta obra plausible tiene una parte muy importante la ilustrada y simpática Delegación Mexicana, noblemente inspirada por su ilustre Gobierno, así como la respetable y digna Delegación de los Estados Unidos de América. Justo es hacer constar nuestro aplauso y nuestro reconocimiento por la labor profícua á que han contribuido tan eficazmente. En la historia de esta Segunda Conferencia Internacional, brillará la desinteresada, tranquila y correcta actitud de los que tan hidalga y tan generosamente nos han recibido en su noble hogar. A su constante esfuerzo se debe que ese expresivo emblema colocado allí sobre la mesa Presidencial, y que dice "Pax Lex," se haya realizado, porque la adopción del Arbitraje, como principio americano, significa la seguridad y la equidad, para que la Ley y la Paz funden el bienestar de los pueblos. Deseo, en nombre de mi País y de mi Gobierno, que antes de retirarnos de esta tierra noble y hospitalaria, á la cual debemos intensa gratitud que no podríamos manifestar, á lo menos, por mi parte, por faltarme expresiones para ello; deseo que podamos decir muy alto que

right of those who desire it to be limited or voluntary. We have, therefore, signed two treaties forming an inseparable whole: one formed by those who proclaim compulsory arbitration and the other by those who wish it to be voluntary: that is to say, in one way by some and in another by the others, but always in favor of arbitration; the fundamental principle thus triumphing not outside but within the conference, without impairing the dignity of anybody and with the approval of all. This fact having been accomplished, can not be voted upon again, because it would be just as much as to request the verification of our signatures; and because there is no ground for discussion of these matters. I am pleased to see that those who have not signed the treaty, the ruling of which is being discussed, can do so at any time so that we might say that the whole of America proclaims peace and justice through arbitration. In this plausible work, the honorable Mexican delegation instructed in a noble manner by its illustrious Government has taken a very important part, as well as the honorable and worthy delegation of the United States of America. It is but right to express our appreciation and gratefulness for the useful work to which they have so efficaciously contributed. The unselfish, calm and correct attitude of those who in such a frank and generous way have received us as their guests, shall appear with brilliancy in the annals of the second international congress. To their constant efforts is due that the expressive emblem placed over the presidential chair with the motto "Pax, Lex" has been realized, because the adoption of arbitration as an American principle means safety and equity that love and peace will bring about for the welfare of the

el principio del Arbitraje no ha naufragado, no, en la Segunda Conferencia Internacional; y que su blanca bandera está flotando en la cumbre de las montañas, sobre las ondas de los mares y de los ríos, en todo el Continente, bajo el cielo sereno y sin nubes de la concordia y del mutuo respeto, de la paz y de la confraternidad de todos los pueblos de América.

S. E. el Sr. Pardo, Delegado de México, expuso que para tranquilizar á la Asamblea, comenzaba por manifestar que no tenía el propósito de hacer un discurso; en primer lugar, porque no era esta la ocasión de pronunciarlo, y en segundo, porque era el menos adecuado para hacerlo; pero que le era imposible guardar silencio en presencia de la manifestación que acababa de hacer el Honorable Delegado de Bolivia. S. E. ha querido aprovechar la ocasión para reconocer el abinco con que las Delegaciones de los Estados Unidos y de México han procurado obtener una conciliación en la cuestión de Arbitraje que amenazaba comprometer el éxito de la Conferencia y obligar á los Señores Delegados que han venido á ella, á separarse de esta ciudad sin haber conseguido el objeto principal para el que fueron convocados. S. E. el Sr. Guachalla ha proclamado, y mucho nos complace que lo haya hecho, cuán empeñoso y eficaz ha sido el esfuerzo de las Delegaciones de los Estados Unidos y de México para llegar al resultado que se ha obtenido; pero ha omitido decir, y esto es justo que lo diga la Delegación mexicana, que á ello ha contribuido

nations. I wish, honorable delegates, in my own name and in that of my country and Government, that, before we leave this noble and hospitable country, to which we owe inexpressible gratitude, because I lack words to express it; at any rate on my part, I wish that we could say very loudly that the principle of Arbitration has not been a failure in the second international conference; and that its white flag is waving over the summit of the mountains, over the waves of the sea and the rivers, over the whole continent, under the serene and cloudless sky of harmony and mutual respect of peace, and of the brotherhood of all the countries of America.

His excellency Mr. Pardo, delegate of Mexico, said, that in order to put an end to any feeling of uneasiness on the part of the assembly, he would commence by stating, that it was not his purpose to make a speech; in the first place, because this was not the occasion for one, and in the second, because he was the least fit for that purpose; but it was impossible for him to remain silent in presence of the statement just made by his excellency the delegate for Bolivia. His excellency had desired to take advantage of the opportunity to acknowledge the efforts by which the delegations of the United States and of Mexico had succeeded in bringing about a conciliation upon the question of arbitration, which had threatened to endanger the success of the conference, and to compel the delegates who had come to take part in it, to depart from this city without having accomplished the principal object for which they were convoked. His excellency Mr. Guachalla has stated, and we are very glad that he has done so, how painstaking and efficacious had been the effort of the delegations of the United States and of Mexico, for the purpose of

en parte muy principal la bondadosa deferencia de los Señores Delegados con quienes el orador tuvo la honra de conferenciar sobre tan delicado asunto. S. E. el Sr. Pardo ha sido testigo de la buena voluntad y del espíritu de conciliación con que han procedido y de la cordialidad con que se han prestado á seguir las negociaciones que produjeron los dos Tratados: el de adhesión á las convenciones de La Haya y el de Arbitraje obligatorio, que por sí solos son bastantes para demostrar la importancia y el éxito completo de las labores de la Conferencia.

S. E. el Sr. Buchanan dijo: Señor Presidente: Pido la indulgencia de la Mesa, antes de que se cumpla el trámite dado al documento que está en la Secretaría de esta Conferencia, para poder expresar el sentimiento de profunda satisfacción, que estoy seguro causará á cada una de las Delegaciones representadas aquí, así como á las Repúblicas que representan, si pudiéramos llevar á cabo por parte de todas las Delegaciones de esta Conferencia, como en efecto lo intentan y desean, las recomendaciones relativas al Tratado de La Haya. Semejante cosa sería de provecho más duradero á las relaciones que existen entre las Repúblicas aquí representadas y contribuirá, más que cualquiera otra que pudiéramos hacer, á fortalecer la cordialidad, los buenos deseos y la amistad sincera que existe realmente entre todos los Delegados y todas las Delegaciones. Con la creencia profunda de que los resultados que enumero pueden realizarse, y con entera confianza en los impulsos generosos y patrióticos que animan á cada Delegado y

arriving at the result which we have attained; but he has omitted to say, and it is but just that the Mexican delegation should say it, that this result is due in a great measure to the generous deference of the delegates, with whom the speaker has had the honor to confer on this delicate matter. His excellency Mr. Pardo has been a witness of the good will and of the spirit of conciliation, with which they have proceeded, and of the cordiality with which they have lent themselves to continue in the negotiations which these two treaties have brought about; the one of adherence to the convention of The Hague, and that of compulsory arbitration, which by themselves are sufficient to demonstrate the importance and the complete success of the work of the conference.

His excellency, Mr. Buchanan, said: Mr. President: I beg the further indulgence of the chair, pending the final orders to carry out the ruling with regard to the document now upon the desk of this conference, in order that I may give expression to that deep sense of satisfaction that I am sure would be felt by every delegation represented here, and by the republics they represent if we could make effective on the part of all the delegations represented in this conference, as it is effective to all intents and purposes, the recommendations covering the adherence to The Hague conventions. Such an expression would be of greater lasting benefit to the relations existing between the republics represented here, and would do more than would anything else that we might do, toward cementing that cordiality, that good will, and that sincere friendship, which in reality exist between all of the delegates and delegations represented here. With the deep belief that the results I have named can be accomplished, and with a feel-

á cada Delegación de las que están en esta sala, para contribuir en todo lo que puedan, á fin de que esta Conferencia sea memorable en los anales de la historia de las Repúblicas aquí representadas, suplico en este momento, y entre tanto la Presidencia da el trámite final al documento á que aludo, me sea permitido manifestar mi convicción sincera de que ese espléndido resultado puede hoy lograrse del modo más satisfactorio para todos, de acuerdo con los derechos de cada Delegación y en armonía con las elevadas miras de confraternidad que en toda ocasión han sido manifestadas por esta Conferencia.

Las actas de esta asamblea de los últimos dos días demuestran, por medio de las observaciones hechas oficialmente en este recinto por cada uno de los distinguidos miembros de la delegación chilena y por el distinguido delegado del Ecuador, su absoluta y sincera adhesión á los principios de las convenciones de La Haya y su cordial é incondicional aceptación de ellas. Estos hechos quedan comprobados en esta conferencia, y con el fin de que estas declaraciones de adhesión de parte de las dos distinguidas delegaciones tengan el alcance conveniente, debido y correcto, dado á las manifestaciones iguales hechas por las demás delegaciones en el referido protocolo, pido respetuosamente á la Presidencia, en nombre de las delegaciones que lo firmaron, con el consentimiento de las delegaciones de Chile y del Ecuador, que unidas á dicho protocolo se manden las actas de los últimos dos días á que he hecho referencia, á fin de que, tanto el protocolo, como las actas sean comunicadas al secretario de relaciones exteriores de México, en la forma y manera que se dice en dicho protocolo; suplicando al referido Secretario que tenga, además, la bondad de comu-

ing of entire confidence in the generous and patriotic impulses which move each delegate and each delegation here present, toward doing everything they can that will make this conference memorable in the annals of the history of the republics here represented, I beg, at this time, and pending the final orders of the chair with regard to the document in question, to express my sincere conviction that these splendid results can now be accomplished in a manner satisfactory to all; consistent with the rights of each delegation, and in keeping with that elevated spirit of confraternity which has been shown in this conference upon all occasions.

The minutes of this conference for the past two days show in the remarks officially made here by each of the distinguished delegates of the Chilean delegation, and by the distinguished delegate from Ecuador, their entire and hearty concurrence in the principles of The Hague conventions, and their cordial and unqualified acceptance thereof. There is, therefore, on record in this conference these facts; and to the end that these expressions of adherence on the part of the two distinguished delegations, may have that proper, courteous, and consistent weight and voice given to the similar expressions made in the protocol in question on the part of other delegations, I respectfully request the chair, in the name of the delegations who have signed the protocol, and with the consent of the distinguished delegation of Chili and that of Ecuador, to transmit with said protocol the minutes of the two past days referred to, in order that the protocol and the said minutes shall be communicated to the minister of foreign affairs of Mexico in the form and manner expressed by said protocol, requesting said minister, in addition, that these doc-

nicar esos documentos á los Gobiernos respectivos representados en esta Conferencia, como la expresión de la adhesión general á las Convenciones de La Haya, y que estas observaciones explicatorias sean también remitidas á la Secretaría de Estado.

S. E. el Sr. Blest Gana, delegado de Chile, y S. E. el Sr. Carbo, delegado del Ecuador, hacen presente á S. E. el Sr. Buchanan su gratitud por el apoyo que ha prestado en favor de la adhesión á los tratados de La Haya, y en nombre de sus respectivas delegaciones, aceptan la proposición del honorable delegado de los Estados Unidos, porque responde á los deseos de las mismas.

La presidencia, en atención á que las delegaciones de Chile y del Ecuador han manifestado su conformidad con la ampliación del trámite de la mesa, que ha estado al debate en las cuatro últimas sesiones, y cuya ampliación ha sido propuesta por S. E. el Sr. Buchanan, delegado de los Estados Unidos, en nombre de las demás delegaciones que integran la conferencia, acordó: Al enviarse al ministerio de relaciones exteriores de la República mexicana el proyecto de tratado y la solicitud suscrita por las quince delegaciones, acompáñese copia certificada de las actas de las últimas sesiones y de la presente, cuando fueren aprobadas, y en lo que fuere conducente de la última, á efecto de que conste la adhesión unánime á las convenciones de La Haya y se comuniquen así á los Gobiernos representados en la conferencia.

S. E. el Señor Presidente manifestó que estando pendiente de discusión, por su turno, las proposiciones de las delegaciones de Colombia y de Chile, y sin embargo

uments be communicated to the respective Governments represented in this conference as an expression of the general adherence to the conventions of The Hague, and that these explanatory remarks shall be forwarded alike to said ministry.

His excellency Mr. Blest Gana, delegate for Chili, and his excellency Mr. Carbo, delegate for Ecuador, expressed to his excellency Mr. Buchanan their gratitude for the support which he had given in favor of the adherence to the treaties of The Hague, and in the name of their respective delegations accepted the proposition of the honorable delegate of the United States, because it fulfilled the desires expressed by them in the course of the debate.

The chair, in view that the delegations of Chili and Ecuador had expressed their acquiescence in the ruling of the chair, which had been under discussion during the last four sessions, and the carrying out of which had been proposed by his excellency Mr. Buchanan, delegate of the United States, in the name of the remaining delegations which formed the conference, ruled: that when sending the project of the treaty and the petitions signed by the 15 delegations to the department of foreign affairs of the Mexican Republic, the same should be accompanied by a certified copy of the minutes of the last sessions, as soon as they are approved, and of the present one, in so far as they bear on the subject, for the purpose of proving the unanimous adherence to the conventions of the The Hague, and that the same might be so communicated to the Governments represented in the conference.

The chair stated that the propositions of the delegations of Colombia and Chili were now in order for their discussion, but as in his opinion they should be considered



de que, en su concepto, deben considerarse retiradas, en virtud de la aprobación hecha por dichas delegaciones del trámite de la mesa, las interpelaba, no obstante, á fin de que declararan, de una manera expresa, si estaban conformes en retirar las mencionadas proposiciones.

SS. EE. el Sr. General Reyes, delegado de Colombia, y Bello Codecido, de Chile, expusieron que retiraban sus respectivas proposiciones, añadiendo el segundo que la delegación de Chile mantiene la exposición de motivos que sirve de fundamento á su adhesión á los tratados de La Haya.

S. E. el Señor Presidente acordó se publicara dicha exposición en el acta de la sesión de hoy. Queda agregada como Anexo núm. 1.

La Secretaría dió lectura á la nota dirigida al Señor Presidente de la Conferencia, por las Delegaciones de la República Argentina, Bolivia, República Dominicana, Guatemala, El Salvador, México, Paraguay, Perú, Uruguay y Venezuela, que forman la mayoría de las representadas en la Conferencia, en que comunican haber celebrado un Tratado de Arbitraje obligatorio, además de otro de adhesión á las Convenciones de La Haya, y envían el referido Tratado á la Conferencia, para que impuesta de él, lo remita al Ministerio de Relaciones Exteriores de México, á fin de que pueda ser perfeccionado. También se dió lectura al Tratado anexo á dicha nota, y ambos documentos quedan agregados á esta acta como Anexo núm. 2.

La Presidencia acordó: Remítase al Ministerio de Relaciones Exteriores de la República Mexicana, por conducto de la Secretaría General de la Conferencia, el Tratado de Arbitraje obligatorio firmado por la mayoría de las Delegaciones,

as withdrawn, in view of the approval by those delegations of the ruling of the chair, he requested them, nevertheless, to declare in a positive manner, if they agreed to the withdrawal of the said proposition.

Their excellencies, General Reyes, delegate for Colombia, and Bello Codecido, for Chili, stated, that they withdrew their respective propositions, the last named adding, that the delegation of Chili maintained the preamble, which served as the foundation for its adherence to the treaties of The Hague.

The chair ruled that the preamble referred to be published in the minutes of to-day's session (Annex No. 1).

The secretary read a note addressed to the chair by the delegations of the Argentine Republic, Bolivia, Dominican Republic, Guatemala, Salvador, Mexico, Paraguay, Peru, Uruguay, and Venezuela, who form the majority of those represented in the conference, in which they communicate that they have concluded a treaty of compulsory arbitration, besides the one of adherence to the conventions of The Hague, and that they send the said treaty to the conference, in order that as soon as it has taken knowledge of the same, it should transmit said treaty to the department of foreign affairs of Mexico in order that it may be perfected. The treaty accompanying said note was also read, and both documents are added to these minutes as Annex No. 2.

The chair ruled: That the treaty on compulsory arbitration, signed by the majority of the delegations, be transmitted to the department of foreign affairs of Mexico by the secretary-general of the conference, for the purposes stated in

para los efectos que expresa el oficio de las Delegaciones que lo subscriben.

Se dió lectura á una nota de S. E. el Sr. M. M. Galavís, Delegado de Venezuela, en que participa que con fecha 14 del corriente recibió un cablegrama de su Gobierno, en el cual le avisa que la Delegación de Venezuela ha sido retirada. La Presidencia acordó se contestara de enterado con sentimiento.

S. E. el Señor Presidente manifestó: que teniendo en cuenta lo fatigados que deben encontrarse SS. EE. los Señores Delegados, y el recargo de las labores de la Secretaría, por las sesiones de antier, ayer y hoy, se levantaba la sesión, citándose la próxima para el lunes 20 del corriente, á las 10 a. m., en la que se tratará de la proposición presentada por S. E. el Sr. Pardo y de los asuntos expresados en la siguiente orden del día:

Primero. Discusión de los siguientes dictámenes:

I. De la 11ª Comisión, que propone como reforma de su dictamen anterior, un proyecto de tratado sobre Patentes de invención, dibujos ó modelos fabriles y Marcas de comercio y de fábrica (Anexo núm. 2 del acta núm. 24);

II. De la Comisión de bienestar general, sobre el proyecto de resolución para que la Conferencia dé sus parabienes al Director general y demás empleados de la Exposición de Buffalo y al pueblo de esa ciudad (Acta núm. 26);

III. De la misma Comisión, sobre el proyecto para que se forme una Comisión Arqueológica Internacional Americana (Acta num. 26);

IV. De la misma Comisión, sobre el proyecto de resolución relativo á la Exposición Internacional de St. Louis Mo., pre-

the communication of the delegations who have signed the same.

A note of His Excellency Mr. Galavís, delegate for Venezuela, was read, in which he stated that he had received a telegram from his Government, under date of 14th instant, in which he was informed that the Venezuelan delegation was withdrawn. The chair ruled that its receipt be acknowledged, expressing regrets.

The chair stated that, considering that the delegates must find themselves fatigued and on account of the accumulation of business in the hands of the secretary by the sessions of day before yesterday, yesterday, and to-day, the session should adjourn, the next session being called for Monday the 20th instant at 10 a. m., when the proposition presented by His Excellency Mr. Pardo will be discussed, as well as the matters stated in the former order of the day:

First. Discussion on the following reports:

I. Of the eleventh committee, which proposes, as a modification of its former report, a project of a treaty on patents of invention, industrial drawings or models, and trade-marks. (Annex No. 2 of Minutes No. 24.)

II. Of the committee on general welfare, relative to the proposed resolution recommending that the conference extend congratulation to the director-general and other officials of the Buffalo Exposition, as well as to the people of that city. (Minutes No. 26.)

III. Of the same committee, relative to the project recommending the appointment of an American Archaeological International Commission. (Minutes No. 26.)

IV. Of the same committee, on the project of resolution relative to the St. Louis, Mo., International Exposition, presented by the

sentado por las Delegaciones de Guatemala, Nicaragua, México, Honduras, El Salvador y Costa Rica (Acta núm. 26);

V. De la 12ª Comisión, sobre la Convención de Propiedad Literaria y Artística (Anexo núm. 1 del acta núm. 28).

Segundo. Discusión de la enmienda al art. 4º de la Convención, ya aprobada, sobre Ejercicio de Profesiones Liberales, presentada por la 12ª Convención.

Terminó la sesión á las 12.15 p. m.

delegations of Guatemala, Nicaragua, Mexico, Honduras, Salvador, and Costa Rica. (Minutes No. 26.)

V. Of the twelfth committee, on the projects of convention on literary and artistic copyrights, presented by the delegations of Chile and Haiti. (Annex No. 1 of Minutes No. 28.)

Second. Discussion of the amendment to article 4 of the convention, already approved, on the exercise of liberal professions, presented by the twelfth committee.

The session adjourned at 12.15 p. m.

#### ANEXO NUMERO 1.

Exposición de Motivos y Proyecto de Convención Presentado por la Delegación de Chile.

Buscar el medio más seguro para cimentar la paz entre los Estados, ha sido en todo tiempo un noble anhelo de los espíritus humanitarios y los grandes intereses que la civilización moderna convierte en lazos de estrecha unión entre los pueblos, hacen hoy de esa aspiración á la paz el más importante problema que puede ofrecerse á la meditación de los hombres de Estado.

De allí que la antes exclusiva preocupación de pensadores y filósofos haya ido apoderándose lentamente de todos los espíritus cultos hasta llegar á imponerse, durante el último siglo, como una necesidad primordial para la felicidad y el progreso de las naciones.

Publicistas, asociaciones filantrópicas y científicas, Congresos y Conferencias particulares, Conferencias interpalamentarias y otras Instituciones ajenas á la acción oficial, han hecho de ese gran *desideratum* el objeto de sus esfuerzos.

#### ANNEX No. 1.

Preamble and project of convention, presented by the Chilean delegation.

It has in all times been the noble aspiration of humanitarian minds to seek the surest mode of fostering peace among nations, and the grand interests which modern civilization has converted into bonds of close union among the peoples have made this desire for peace one of the most important problems that can be submitted to the deliberation of statesmen.

For this reason, this sentiment, with which formerly only deep thinkers and philosophers have occupied themselves, is slowly engrossing the attention of all cultivated minds, to the degree that during the past century it has been considered as the primordial necessity for the well-being and progress of the nations.

Public writers, philanthropic societies, private congresses and conferences, interparliamentary conferences, and other institutions, foreign to the official action, have made this great desideratum the subject of their efforts.

También esta aspiración ha cautivado el espíritu de algunos Soberanos, que haciéndose de ella eco, han creído posible establecer definitivamente el reinado de la paz por medio de una nueva organización de las relaciones internacionales.

Sin hablar de los proyectos temerarios y utópicos, como el *gran desigño* de Enrique IV de Francia, que buscaba aquel fin por medio de la Confederación de todos los Estados cristianos europeos y sin hablar de los proyectos de monarquía universal de Luis XIV y Napoleón I, inspirados, antes que en la idea de paz, en la de hegemonía de la Francia sobre el resto de la Europa, la historia presenta nobles esfuerzos debidos á la iniciativa de los Soberanos para buscar el afianzamiento de la paz universal.

Entre esos esfuerzos son dignos de mencionarse: el pacto de la Santa Alianza, celebrada cuando la Europa agotada por las guerras napoleónicas, buscaba ansiosa algún camino que hiciera cesar las luchas que la despedazaban; las proposiciones de desarme hechas en 1816 á las Potencias europeas por el Czar Alejandro I; el proyecto de desarme que abrigó Napoleón III en 1863 y los que acarició para reglar los conflictos internacionales por medio de Congresos de las grandes Potencias europeas; y finalmente, la proposición que en 1899 dirigió el Czar Nicolás II á las principales Potencias de todo el Orbe, invitándolas á reunirse en La Haya para buscar un acuerdo en la reducción de los armamentos y demás medidas encaminadas á solucionar de una manera pacífica las diferencias entre naciones.

Al lado de estos medios propuestos ó simplemente ideados por los soberanos europeos, existen otros que podríamos llamar ameri-

This aspiration has likewise taken possession of the mind of some sovereigns, who, by proclaiming the same, have believed themselves able to definitely establish the reign of peace by means of a new organization of international relations.

Without referring to extravagant and Utopian schemes, like the grand project of Henry IV of France, who sought to attain that end by means of a confederation of all the Christian European states, or to the projects of a universal monarchy of Louis XIV and Napoleon I, which were rather inspired by the idea of the predominance of France over the rest of Europe than by any idea of peace, history tells of noble efforts, due to the initiative of sovereigns, toward the securing of universal peace.

Among these efforts deserve to be mentioned the treaty of the Holy Alliance, concluded when Europe, exhausted by the wars of Napoleon, was anxiously seeking for some way by which this strife that was ruining it could be made to cease; the proposition of universal disarmament proposed to the European powers by the Czar Alexander I; the project of disarming, which Napoleon III supported in 1863, and which he cherished in order to settle international conflicts by means of congresses of the great European nations; and, finally, the proposition which in 1899 Czar Nicholas II addressed to the principal powers of the globe, inviting them to assemble at The Hague, for the purpose of coming to an agreement regarding the reduction of armies and other measures intended to solve the differences between nations in a pacific manner.

Besides these measures, either proposed or simply conceived by the European sovereigns, there are others which we may call Ameri-

canos, porque ha pertenecido su iniciativa a los Gobiernos de los países del Nuevo Mundo.

En 1826, en el Congreso de Panamá, y en 1847, en el Congreso de Lima, muchas Repúblicas hispano-americanas pactaron, entre otras cosas, una Confederación que, no solamente las pusiera al abrigo de enemigos exteriores, sino que pudiera evitar las causas de conflicto entre ellas. En 1856, en el Congreso de Santiago de Chile, se firmó un Tratado Continental, y en 1864, en el Congreso de Lima, uno de alianza entre todas las Naciones ahí representadas. Ambos tenían por objeto, entre otras cosas, el afianzar la paz entre las Repúblicas signatarias. Por fin, en el Congreso de Washington de 1889, en que estuvieron representadas todas las Repúblicas de Norte, Centro y Sur America, se buscó en el arbitraje obligatorio el medio de resolver los conflictos entre Estados.

Tales han sido las nuevas bases sobre las que los gobiernos europeos y americanos han querido establecer el equilibrio internacional.

Ninguno de estos medios ha dado, por desgracia, los resultados que se perseguían.

La Santa Alianza fué más bien un elemento de discordia entre los Estados y de opresión para los pueblos, que llegó hasta el despotismo. Las proyectadas Conferencias de desarme de los Emperadores ruso y francés, ni siquiera se reunieron. Los Congresos que Napoleón III logro reunir, dieron resultados contraproducentes á los fines que perseguía. Los pactos de Confederación de algunas de las Repúblicas hispano-americanas, no llegaron á ratificarse. El Tratado Continental de 1856 y el Tratado de Alianza de 1864, fueron meras declaraciones sin ningún resultado práctico. Las resoluciones de la

can ones, because their initiative belongs to the governments of the countries of the New World.

In 1826 in the congress of Panama and in 1847 in the congress of Lima many of the Spanish-American republics, among other measures, entered into a confederation which was intended not only to protect them against foreign foes, but also to prevent causes of conflicts among themselves. In 1856 in the congress of Santiago de Chile a continental treaty and in 1864 in the congress of Lima one of alliance between all the nations therein represented were signed. Both had for their object, among other things, the securing of peace among the signatory nations. Finally, in the congress of Washington of 1889, in which all the North, Central, and South American republics were represented, the means of deciding international conflicts were sought to be obtained by compulsory arbitration.

Such have been the new bases upon which the European and American governments have endeavored to establish the international equilibrium.

Unfortunately, none of these measures have given the results which were desired to be obtained.

The Holy Alliance proved rather an element of discord among the States, and of oppression for their peoples which reached even the character of despotism. The proposed conferences for disarmament of the Russian and French emperors did not even assemble. The congresses which Napoleon III succeeded in assembling gave results contrary to those which he aimed at.

The treaties of confederation of some of the Spanish-American republics did not meet with ratification.

The continental treaty of 1856 and the treaty of alliance of 1864

Conferencia de Washington de 1889 no han recibido la sanción de los Gobiernos. La Conferencia de La Haya á pesar de haber producido buenos resultados, proclamando algunas doctrinas importantes para el Derecho Internacional, ha declarado que la reducción de los armamentos y el arbitraje obligatorio como solución para determinados litigios, son, por ahora, irrealizables.

Tanta tentativa de paz presentada siempre al mundo como una promesa segura de tranquilidad y progreso, no han traído en realidad otro resultado que amargas desilusiones, porque todas ellas, si se inspiraron en ideales bien intencionados, prescindieron de las condiciones reales de la vida política de los Estados, y olvidaron que ésta no depende únicamente del criterio ó de la voluntad de los Gobernantes, ni puede fundarse sobre bases exclusivamente convencionales.

Los grandes problemas internacionales, lo mismo que los políticos y sociales, tienen una ventaja que es al mismo tiempo un defecto: se concibe fácilmente la solución que debe darse á un problema y se cree que con la misma rapidez debe esa solución llevarse á la práctica, sin examinar previamente los obstáculos que pueda encontrar y, sobre todo, el camino que hay que recorrer para llegar al fin que se desea. Y esta manera de proceder, lejos de ser favorable, es contraproducente, porque la proclamación precipitada de hermosos ideales, de principios cuya solución debe ser todavía diferida, desacredita el Derecho Internacional, haciéndolo aparecer en contradicción con la realidad.

did not go beyond mere declarations, without any practical results. The resolutions of the conference at Washington in 1889 have not received the sanction of the governments. The conference of The Hague, although it has produced some good results and has proclaimed some important doctrines relating to international law, has declared that the reduction of armaments and the compulsory arbitration as solutions of certain questions are for the present impossible to become practicable.

All these attempts at assuring peace, although always proclaimed to the world as a sure promise of tranquillity and progress, have had in reality no other effect than that of producing bitter disappointments, because they were all inspired by well-intended ideals, but took no account of the real condition of the political life of the nations and disregarded the fact that such life is not only dependent upon the opinions and desires of the governments, nor can it be based upon purely conventional reasons.

The great international problems, as well as the political and social ones, possess an advantage, which at the same time is a defect: The solution which should be given to a problem is easily conceived, and it is believed that such solution should be able to be put in practice with the same rapidity, without previously examining the obstacles which it may encounter, and, above all, without examining the course it will have to follow in order to arrive at the end desired to be obtained. And such manner of proceeding, instead of favoring the matter, does it harm, because the premature proclamation of beautiful ideals, and of principles the solution of which be deferred, causes international law to be discredited, making it appear in contradiction with the state of affairs in existence.

## II.

La actual Conferencia Internacional Americana, que se propone como principal objetivo establecer la paz en este Continente, está en el caso de aprovechar de la experiencia que la historia de la diplomacia le suministra á este respecto.

La declaración terminante que acaba de hacer la Conferencia de La Haya contra uno de esos medios, el Arbitraje obligatorio, debe servirle de lección para no acoger al día siguiente de esa declaración, tentativas que han sido calificadas en Europa de prematuras y que había ya la América desestimado, absteniéndose de ratificar la declaración del Congreso de Washington.

Para resolver acertadamente la cuestión de si debe proclamarse, según se pretende, el arbitraje obligatorio como el mejor medio de solucionar los conflictos internacionales, no debemos examinarlo como institución útil y deseable, pues esa tarea corresponde principalmente á los publicistas. Lo único que á nosotros, diplomáticos, corresponde averiguar, es: si en presencia del estado actual de cosas, es posible dirimir por aquel medio toda clase de controversias entre los Estados, ó solamente algunas de ellas; si él tiene inconvenientes, y hasta donde sacrifica la independencia de los Estados, y en fin, hasta qué punto es cierto que evita los conflictos armados, y es el mejor medio de resolverlos pacíficamente.

Si fuera fácil, como se pretende, reemplazar el medio cruel de la guerra por el humano y civilizador del arbitraje, ningún Estado vacilaría en limitar sus derechos soberanos, ante tan grandiosa institución. Pero si las ventajas y beneficios no aparecen de manifiesto, si el arbitraje no basta para

## II.

The present international conference, which aims at the establishment of peace on this continent as its principal object, finds itself in a position to take advantage of the experience which the history of diplomacy furnishes in this respect.

The positive declaration, which the conference of The Hague has just made against one of these measures, namely, compulsory arbitration, should serve this conference as a lesson and prevent it from entering, so soon after such declaration, into endeavors which in Europe have been characterized as premature, and which America has already rejected by refusing to ratify the declaration of the congress of Washington.

In order to solve, in a proper manner, the question whether compulsory arbitration should be declared as the best means of deciding international conflicts, as it is proposed, we should not examine it in the light of a useful and desirable institution, because such a task belongs principally to public writers. The only thing which pertains to us, as diplomats, to ascertain is: If in the present state of affairs it is possible to solve by arbitration all kinds of controversies among the nations, or only some of them; if it is objectionable in some cases, and to what degree it sacrifices the independence of the nations, and, finally, to what point can it surely prevent armed conflicts and the best means of settling them peacefully.

If it were as easy as it is pretended to replace the cruel measures of war by the humane and civilizing one of arbitration, no nation would hesitate to limit its sovereign rights before so grand an institution. But if the advantages and benefits are not manifestly apparent; if arbitration is

solucionar toda clase de conflictos, y especialmente los que son causa de guerra, pocos Estados estarían dispuestos á menoscabar su soberanía, condición indispensable de su existencia, por un principio de tan problemáticos resultados.

Solo sustrayéndonos á la natural tendencia de sacar los grandes principios del terreno de la realidad, para colocarlos en el de las ilusiones, examinando la doctrina del arbitraje obligatorio con el criterio racional y positivo, por el que únicamente deben guiarse los hombres de Estado, haremos obra práctica y útil á las Naciones americanas.

### III.

Ante todo, hay cuestiones que no admiten en ninguna forma el arbitraje. En ese orden se encuentran las que pueden comprometer la independencia, la integridad, ó la soberanía de un Estado. Someter ese género de litigios á la resolución de un árbitro sería dejar en sus manos la existencia misma de ese Estado. Cada país es el juez único de su independencia y soberanía. Un deber indeclinable le obliga á defender el origen y razón de su existencia con todos los elementos, con todas las fuerzas de que puede disponer. El abandono de esta obligación sagrada á un criterio extraño, la haría indigna de figurar en el concierto de las naciones orgullosas de su independencia soberana.

Lo que se dice de las cuestiones relativas á la independencia y soberanía de los Estados, se dice también, y por igual motivo, de las que afectan su dignidad, su honor, ó sus intereses primordiales. Así como hay un honor individual, hay también un honor nacional. Este sentimiento es la fuente del prestigio de los pue-

not sufficient to settle all kinds of disputes, and especially those which are the causes of wars, only few States would be disposed voluntarily to diminish their sovereignty, which is the indispensable condition of their existence, in exchange for a principle of such problematic results.

Only by freeing ourselves from the natural tendency to take great principles out of the domain of practical reality, and to place them into the realm of illusions, and by examining the doctrine of compulsory arbitration with rational and positive discernment, by which statesmen solely should be guided, shall we be able to accomplish practical and useful work for the American nations.

### III.

There are, of course, questions which do not admit of arbitration in any form whatever. Among them are those affecting the independence, integrity, or sovereignty of a nation. Each country is the only judge of its independence and sovereignty. An indeclinable duty compels it to defend the origin and reason of its existence, with all the elements, all the forces, and all the energy of which it can avail. To abandon its sacred duty to a stranger's criterion would render such country unworthy of forming part in the concert of the nations which pride themselves of their sovereign independence.

What is said of questions relating to the independence and sovereignty of States also applies, for the same reason, to those questions affecting their dignity, honor, or their most vital interests. As there is an individual honor there exists also a national honor. This sentiment is the source of the prestige of nations



blos, al propio tiempo que el más seguro factor de su conservación, y uno de los elementos más poderosos de su progreso material y moral. El está fundado en la conciencia del país, forma parte inseparable del carácter nacional, y las cuestiones que le atañen no pueden entregarse á la resolución arbitral. Sería absurdo pedir á un Estado que renuncie al sentimiento nacional y á ser el juez único de sus destinos, en aquellos casos en que está comprometida su seguridad y en los que precisamente le cumple demostrar toda su energía y toda su altivez. No hay ejemplo en la historia de la diplomacia de que cuestiones de esta naturaleza hayan sido sometidas á la resolución de árbitros.

De aquí que en todos los Tratados de arbitraje permanente que registra la historia de la diplomacia salvo raras excepciones, se hallan excluidas de ese recurso las cuestiones relativas al honor, dignidad é intereses primordiales.

El proyecto de arbitraje presentado por el Gobierno ruso á la Conferencia de La Haya en 1899, en que se trató de resumir todas las conquistas que el derecho y la práctica de las naciones tenían establecidas en esta materia, dispone en su art. 8 que las cuestiones relativas á los intereses vitales y al honor nacional de las partes en litigio, quedan excluidas del arbitraje, y en la Nota explicativa al art. 10 del proyecto se dice: que "no habría Gobierno que consintiera tomar sobre sí, de antemano, la obligación de someter á la decisión de un Tribunal de arbitraje todo conflicto que se produjera en el dominio internacional, si ese conflicto comprometiese el honor nacional del Estado ó sus intereses superiores, ó sus bienes imprescriptibles."

Se sostiene también, y con razón, que los conflictos de carácter polí-

and at the same time the safest factor of their preservation and one of the most powerful elements of their moral and material progress.

This sentiment is based on public conscience, it is an inseparable part of the national character, and a question which refers to it can not be submitted to arbitral decision. It would be preposterous to pretend that a State should renounce to its national sentiment and to its right to be the sole judge of its destinies, in such cases when its safety is at stake, and when inevitably it becomes its duty to show all its energy and all its dignity. No case is found in the history of diplomacy where such questions have been submitted to the decision of arbitrators.

This explains why in all permanent arbitration treaties recorded in the history of diplomacy, but with few exceptions, questions derogatory to the honor, dignity, and vital interests of nations are excluded from such recourse.

The plan of arbitration presented in 1899 by the Russian Government at the Hague conference, wherein it was proposed to condense all the conquests that the law and the practice of nations had established on this matter, provides in article 8 that questions relating to vital interests and national honor of the contending parties are excluded from arbitration, and in the explanatory note of article 10 of the plan it is stated that: "No Government would consent to assume beforehand the obligation to submit to the decision of an arbitration court all conflicts arising in the international sphere, if that conflict would involve the national honor of the State or its vital interests or its imprescriptible rights."

It is also rightly held that conflicts of a political character are

tico tampoco son susceptibles de arbitraje, porque en cuestiones de esta naturaleza entran siempre elementos muy complejos y diversos, difíciles de determinar netamente, y por tanto imposibles de resolver conforme á derecho, como debe serlo toda resolución arbitral. Sólo las cuestiones de carácter litigioso, es decir, que pueden formularse y resolverse jurídicamente, son susceptibles de ese medio de solución.

Esta doctrina se ha reconocido en los arts. 7 y 10 del proyecto ruso. Con profunda verdad y gran penetración de miras ha dicho ese Gobierno en la Nota explicativa del mismo artículo 10, que "en tesis general, los conflictos que surgen en materia de tratados políticos, se refieren en la mayor parte de los casos no tanto á una diferencia de interpretación de tal ó cual norma, cuanto á las modificaciones que hay que introducir en ella, ó á su derogación completa. Las Potencias que tienen una parte activa en la vida política de la Europa no pueden, pues, someter los conflictos que nacen en el terreno de los tratados políticos al examen de un Tribunal de arbitraje, á los ojos del cual la norma establecida por el tratado sería tan obligatoria, tan inviolable como lo es la norma establecida por la ley positiva á los ojos de cualquier tribunal nacional."

La Conferencia de La Haya ha reconocido de una manera más explícita aun la doctrina que dejamos transcrita. En el art. 16 del Proyecto de Convención para el arreglo pacífico de los conflictos internacionales, se excluye del reconocimiento de la eficacia del arbitraje, las cuestiones políticas, dejándolo reducido á las jurídicas, y en especial, á la interpretación ó aplicación de convenciones que por su naturaleza nunca tienen alcance político, y en las cuales no puede producirse conflicto que afecte los intereses nacionales.

not susceptible of arbitration, for in questions of this nature elements of very complex and varied kind are involved, which are difficult to define in a precise manner, and hence of impossible decision according to law, as all arbitral decisions must be. Only in questions of a legal character which can be formulated and decided judicially may the solution be reached through these means.

This doctrine has been acknowledged in articles 7 and 10 of the Russian plan. With great truthfulness and insight, the said Government has stated in the explanatory note of the same article 10, "in general thesis conflicts arising in connection with political treaties refer, in most cases, not so much to a difference of interpretation of this or that rule, but to the modifications to be introduced into it, or to its entire abrogation. The powers that take an active part in European politics can not, then, submit the conflicts arising in the sphere of political treaties to the examination of a court of arbitration in the eyes of which the rule established by the treaty would be as obligatory, as inviolable, as is the rule established by positive law in the eyes of any national court."

The Hague conference has recognized in a still most explicit manner the aforesaid doctrine. In article 16 of the plan of convention for the pacific settlement of international conflicts political questions are excluded from the cognizance of the efficacy of arbitration, leaving the latter to deal with legal ones and specially with the interpretation or taking into consideration of conventions which in their nature have no political meaning and can not produce conflicts that affect national interests.

## IV.

En lo dicho queda señalada la primera dificultad que ofrece en la práctica el propósito de establecer el arbitraje obligatorio.

En efecto, si se exceptúan del arbitraje obligatorio las cuestiones en que se encuentra comprometido el honor, la dignidad nacional de uno de los Estados, ó sus intereses primordiales, la dificultad que naturalmente se presenta es la de saber cuándo, en un litigio determinado, se encuentran comprometidas algunas de esas cualidades esenciales, y cuándo puede, por consiguiente, la parte interesada declinar el arbitraje.

No hay manera de señalar claramente los casos en que se encuentran comprometidos esos intereses. No es posible tampoco, establecer una regla á este respecto, porque son las circunstancias especiales en que se produce un litigio las que determinan su carácter. En este orden de ideas, lo que es de escasa importancia para un Estado, puede afectar á otro gravemente en su dignidad ó en sus intereses primordiales. Un ejemplo bien sugestivo de esto se encuentra en las alegaciones que hizo Estados Unidos en el Comité de la tercera sección de la Conferencia de La Haya, cuando pidió que se eliminara del arbitraje obligatorio lo relativo á Canales interoceánicos. Mientras aquella República alegó que el asunto afectaba á sus intereses capitales, los demás países allí representados manifestaron su completo desinterés en esa materia.

No queda otra solución á la dificultad que nos ocupa, sino la de que cada Estado sea, en cada caso particular, el único juez para decidir cuándo una cuestión compromete su honor ó sus intereses vitales, y cuándo, por consiguiente, está autorizado á no aceptar el

## IV.

In the foregoing remarks the first difficulty which the proposition of establishing compulsory arbitration offers in practice is demonstrated.

In effect, if the questions—which involve the honor and dignity of one of the nations or its primordial interests are excluded from compulsory arbitration, the difficulty which naturally presents itself is that of knowing, when in a specific dispute any of those essential principles are involved, and when, consequently, the interested party may decline arbitration.

There exists no method of pointing out distinctly the cases in which those interests are at stake. It is not possible either to establish a rule in this respect, because the special circumstances under which a litigation is brought about determine its character. In this conflict of ideas that which is of small importance to one State may seriously affect another in its dignity or its vital interests. A very suggestive example of this is found in the allegations made by the United States to the committee of the third section of The Hague conference, when they asked to eliminate from compulsory arbitration all that which refers to interoceanic canals. And while that Republic alleged that the question affected its most important interests, the other countries therein represented manifested that they had no interests whatever in the matter.

There is no other solution to the aforesaid difficulty but that every State be, in each particular case, the sole judge to decide when a question affects its honor, or its vital interests, and when it is therefore warranted in rejecting arbitration. That decision must be

arbitraje. Esa decisión tiene que ser una facultad privativa de cada Estado, porque someter cuestión tan vital al criterio de un árbitro, equivaldría á colocar á los Estados bajo una tutela extraña, imposible de ser aceptada. Ello importaría, en efecto, una abdicación completa de sus derechos soberanos.

Se ha querido resolver esta grave dificultad por medio de una enumeración de cuestiones que se designan de antemano como exentas de toda relación con las que afectan el honor nacional; pero esas enumeraciones son de tan nimie importancia, que no solucionan, en manera alguna, la dificultad.

Dedúcese de estas consideraciones que en último término queda librado á la voluntad de los Estados el determinar si una cuestión entra ó no en la salvedad de las que afectan á su honor ó intereses primordiales, lo que importa en realidad lo mismo que no haber pactado el arbitraje obligatorio.

## V.

Hay todavía otros inconvenientes que hacen imposible el dar carácter obligatorio á la institución del arbitraje.

El primero es que siempre limita la soberanía de un Estado, porque le coloca en la condición del que ciegamente renuncia sus derechos, por absurdas que sean las dificultades que puedan promoverse, y se entrega al juicio ajeno de manera incondicional. No hay hombre que exponga sus derechos individuales con tanta indiscreción. Menos, por cierto, es posible aconsejarla á las naciones.

El segundo inconveniente consiste en que á menudo las dificultades internacionales se presentan rodeadas de caracteres que apasionan el sentimiento público nacional, y en estos casos la voluntad popular no consiente en que se le someta á extraño criterio. En tal

solved by each State, because to submit to an arbitrator a question of such a vital interest would be equivalent to place the States under a foreign tutelage, which it is impossible to accept. It would imply in fact the complete abdication of their sovereign rights.

Endeavors have been made to solve this serious difficulty by an enumeration of cases designated beforehand as exempted from all connection with those which affect natural honor, but these enumerations are of such slight importance as to leave the difficulty untouched.

From these considerations is to be deduced that it rests exclusively with the decision of the States whether any question comes within the scope of those which affect its honor or vital interests, which amounts in reality to the same thing as not to have agreed on compulsory arbitration.

## V.

Other objections exist to render impossible compulsory arbitration.

The first is that it always limits the sovereignty of a State, because it places the latter in the condition of whoever renounces blindly to his rights, no matter how absurd the difficulties which may arise and surrenders unconditionally to a strange judgment. No man exposes his individual rights with such indiscretion. Much less of course it is possible to recommend to nations such an indiscretion.

The second objection refers to the fact that international difficulties often present themselves surrounded with peculiar circumstances which excite national public sentiment, and in such cases the people's will does not consent to be subjected to a foreign criterion.

emergencia, la existencia de un pacto de arbitraje general y obligatorio arrastraría á los Gobiernos á eludirlo con excusas ó razones que provocarían más serios ó inevitables conflictos. O si el Estado haciéndose esclavo de la palabra empeñada, llegase á someter á arbitraje una cuestión que voluntariamente no habría entregado á juicio de tercero, el conflicto podría quedar resuelto en derecho, pero en ningún modo en la realidad. No basta que una cuestión reciba sentencia de árbitros para que sea aceptada por los pueblos. Es menester que la resolución concilie el choque de intereses, tempere las rivalidades y calme las pasiones; de otra manera el conflicto subsistirá y la guerra vendrá forzosamente si no se apela, para evitarla, á otros medios más eficaces, que indicarán las circunstancias.

La experiencia ha venido á poner de manifiesto lo inconveniente que es estipular un arbitraje obligatorio general.

La historia de la diplomacia abunda en ejemplos manifiestos de que muchas veces, á pesar de haberse pactado el arbitraje como preventivo de todo conflicto, esa obligación no ha sido bastante á evitarlos; ó si el arbitraje se ha llevado á efecto, esto ha sido mediante esfuerzos independientes del compromiso, dándole así en realidad el carácter de un nuevo acto voluntario. Casos hay aún, y puede haberlos, en que el conflicto puede recibir una solución pacífica por otros medios independientes de la obligación pactada, nacidos de circunstancias especiales que no se consideraron en la época del pacto.

Sería dar muy extensas proporciones á la presente exposición si entrásemos á ampliar estas ideas que tan comprobadas están por los hechos.

In such emergency, the existence of an agreement of general and compulsory arbitration would compel the Government to avoid its compliance under pretexts or reasons which would bring more serious and unavoidable conflicts. Or if the State binds itself to carry out the agreement and becomes a slave of its word submitting to arbitration matters, which would not have submitted voluntarily to the resolution of a third party, the conflict might be according to law, but never in reality. It is not sufficient resolved that a question be passed upon by arbitrators, to be accepted by the people. A decision must reconcile the opposing interests, temper rivalries, and calm passionate sentiments; otherwise conflicts shall subsist and war will necessarily result, if no appeal be made, in order to avoid it, to more efficacious means, as circumstances may indicate.

Experience has demonstrated how inexpedient it is to agree to compulsory arbitration in general.

The history of diplomacy abounds in practical examples to the effect that many times, notwithstanding that arbitration has been agreed upon as a means to avoid conflicts, such an obligation has not been sufficiently enough to avoid them; or if arbitration has been carried out it has been through efforts made outside of the agreement, thus giving to it, in reality, the character of a new, voluntary act. There are even some cases, and others may occur yet, in which a conflict may be peacefully decided through means outside of the provisions agreed upon, and which may arise from special circumstances not considered at the time of the agreement.

This exposition would become too extensive if the above ideas which have been proven by facts were to be amplified.

Sin salir de la historia diplomática de los últimos años y sin salvar los límites de Hispano-América, todos conocen los sucesos que puedan citarse en apoyo de estas aseveraciones.

El arbitraje obligatorio no es tampoco eficaz, como se pretende, para evitar los *casus belli*. Estos prodúcense por cuestiones políticas en las cuales está siempre comprometido el amor propio nacional, y que, ya lo dijimos, no son susceptibles de arbitraje. Además, este recurso es por su naturaleza tardío. El árbitro tiene que llegar al pleno conocimiento de las causas del litigio, previo un estudio en el que necesariamente habrá de emplear algún tiempo, mientras que el conflicto que se trata de resolver, al principio de fácil solución, puede haber llegado á su curso extremo por inevitables complicaciones emanadas del amor propio nacional y producir entonces la guerra, antes que el arbitraje haya podido evitarla.

Se ha pretendido que el arbitraje obligatorio, tiene en abono de su eficacia los numerosos casos de tratados internacionales en los que figura como base fundamental y único medio de solución de los conflictos. Pero si bien se examina este argumento á la luz del estudio de todos estos casos, se adquirirá la convicción de que los países entre los que ese medio se ha estipulado son aquellos entre los que un conflicto que llegue á ser *casus belli* es muy poco verosímil. El arbitraje se impone en esas circunstancias como el mejor medio de solución, no porque se haya pactado de antemano, sino por la fuerza de las cosas.

We all know the precedents which can be cited in confirmation of these statements through mere reference to the diplomatic history of the last few years and without going beyond the limits of Spanish America.

Nor is compulsory arbitration so efficacious, as pretended, to prevent wars. They arise through political questions, in which national sentiment of a nation always forms a part, and such cases, as previously stated, can not be decided by arbitration.

Furthermore, such a course is slow, by its own nature. An arbitrator must arrive at a full knowledge of the causes of the contentions, after an investigation which necessarily must take in some time, while the conflict, which at first may have been easy to prevent, may in the meantime have reached its extreme limit through unavoidable complications emanating from the sensitiveness of the nation, and may then bring on war before it has been possible to avoid it by arbitration.

It has been claimed that compulsory arbitration has in its favor of its efficacy the numerous causes of international treaties in which it has been considered as the fundamental basis and the only means for the solution of conflicts. But if a careful examination of this argument is made by studying all such cases a conviction will be acquired that the countries among which such means have been stipulated are those in which is very improbable that a conflict should acquire the proportions of a *casus belli*.

Arbitration forces itself under such circumstances as the best means for solutions, not because it has been agreed upon beforehand, but by the course of events.

Por lo que hace á los países po-

With regard to powerful coun-

derosos, entre los cuales pueden surgir conflictos que lleven á la guerra, la realidad es que ellos no han celebrado tratados generales de arbitraje obligatorio, y que cuando han intentado hacerlo, han encontrado en la opinión pública y en los parlamentos respectivos dificultades insuperables.

La experiencia, la mejor reguladora de los principios del Derecho Internacional, nos demuestra que por mucho que se multipliquen los tratados de arbitraje obligatorio y general, su aplicación queda siempre circunscrita, en la práctica, únicamente á las cuestiones que no afectan el sentimiento de los pueblos y que no pueden llegar á ser motivo de guerra.

## VI.

Fundadas en la índole real de la vida de los pueblos y en las lecciones de la experiencia, todas las consideraciones precedentes conducen á esta consecuencia práctica: que cuando se produzca un conflicto entre Estados, es indispensable que cada uno de ellos tenga la suficiente libertad para medir la importancia y naturaleza del litigio, y para pesar la conveniencia de solucionarlo pacíficamente, comparada con los peligros de una guerra y con la importancia de los intereses en juego. La prudencia de los Gobiernos entra cada día con más eficacia entre los factores que evitan sucesos cuyas consecuencias económicas y sociales pueden ser incalculables.

La política bien entendida aconseja, por consiguiente, no obligarse de antemano á resolver todos los conflictos que puedan ocurrir, por un medio determinado. Deben, por el contrario, los Estados, reservarse siempre entera libertad de criterio para la mejor solución de cada caso particular. En otros términos: los beneficios del arbitraje serán reales y practicables

tries among which conflicts may arise leading them to war, the fact is that they have not entered in into general treaties of compulsory arbitration, and when they have intended to do so they have met with unsurmountable difficulties in the public opinion and in their respective parliaments.

Experience, as the best standard that regulates the principles of international law, has demonstrated that no matter how much the number of treaties of compulsory and general arbitration is increased their application in practice is limited to questions not affecting public sentiment and which can not be a cause of a war.

## VI.

Based on the real tendencies in the life of the people and on the teachings of experience, all the above considerations lead to this practical result: That when a conflict arises between two states it is indispensable that each should enjoy sufficient freedom to calculate the importance and nature of the conflict and to think over the expediency of deciding it peacefully, as compared with the dangers of a war and with the importance of the interests at stake. Prudence is daily more considered by the governments as the most important factor to avoid events whose economical and social consequences may be incalculable.

A well-devised policy, therefore, counsels that no previous compromise should be made to solve all the conflicts that may occur, by a specific method. The States should, on the contrary, always reserve to themselves perfect liberty of criterion for the best solution of special cases. In other words, the benefits of arbitration are real and practicable

solamente cuando sea facultativo; es decir, cuando los Gobiernos contendientes lo hayan elegido en cada circunstancia determinada, como el medio más apto para la solución del conflicto. Sólo de este modo sus resultados no dejarán encono entre las Naciones.

Así lo resolvió la Conferencia de La Haya en 1899, una de las más memorables de las que han buscado el ideal de la paz.

Apartándose de las aspiraciones exageradas y de las teorías utópicas, los hombres allí reunidos, conjunto de las más autorizadas inteligencias en el mundo de la diplomacia, y representantes de las más poderosas naciones, abandonaron teorías preconcebidas y hasta rivalidades históricas, para buscar en el campo de los intereses reales de los pueblos lo que fuera practicable y compatible con la necesidad común de establecer, en cuanto se podía, el dominio de la paz.

Y allí se resolvió que, dada la condición actual de las relaciones internacionales, la institución del arbitraje debe tener siempre carácter facultativo.

Esa Conferencia se guardó bien de incurrir en el error de establecer la paradójal consecuencia en que han solido caer algunos publicistas y algunos Gobiernos al creer que por haber producido buenos resultados el arbitraje facultativo, debe por ese solo hecho establecerse como obligatorio.

Aplicando con claro discernimiento las lecciones de la práctica, abandonó resueltamente, como prematura por lo menos, esa ilusión de la paz universal, y se contentó con recomendar por medio de acuerdos que llevan el sello de la sensatez y de la modestia en las aspiraciones, lo único que es práctico y realizable.

A esta misma norma ha ajustado

only when it is optional; that is to say, when the contending Governments may have selected in each special circumstance as the most suitable means for the solution of the conflict. Only in this way will its results leave no ill-will among the respective nations.

It was thus decided by the conference of The Hague in 1899, which was considered as one of the most notable of those that had for sought the ideal of peace.

Leaving aside, exaggerated aspirations and utopian theories, the men there gathered together, combining the most enlightened intellects of the diplomatic world and the representatives of the most powerful nations, disregarded theories formed beforehand, and even historical rivalries, in order to seek in the field of the actual interests of the people for what might be practicable and compatible with the common necessities, so as to establish, as far as possible, the reign of peace.

And there it was resolved that, in view of the present condition of international relations, the institution of arbitration should always have an optional character.

That conference took good care not to fall into the error of establishing the paradoxical result in which some writers and some Governments have fallen in, believing that because optional arbitration has produced good results, it should, for that reason, be made compulsory.

That conference, with clear judgment, applied the lesson derived from practice to the case under consideration and boldly abandoned as premature at least, that illusion of the universal peace and was satisfied by recommending by means of resolutions which bear the stamp of good sense and modesty in its aspirations the only thing that was practical and feasible.

To this rule the Republic which



su política la República que representamos, en las diferencias que ha tenido con los otros países, y en esa regla de conducta se inspiró al pronunciarse en la Conferencia de Washington de 1889, sobre la materia del arbitraje. Y si es verdad que el voto de sus Representantes estuvo sólo en aquella Asamblea, es verdad también que concordaron con él las resoluciones posteriores de todas las Cancillerías, puesto que ellas no ratificaron el pacto á que Chile negó su asentimiento.

Nuestra historia diplomática está llena de ejemplos que comprueban la constancia con que la Cancillería chilena ha practicado fielmente aquella política.

Al declararnos, por consiguiente, en la Conferencia de 1889 y en la actual, decididos partidarios del arbitraje facultativo, pero combatiéndolo con carácter obligatorio, no sentamos una teoría nueva en nuestra diplomacia, sino que sostenemos la norma de conducta que invariablemente ha seguido nuestro país desde 1823 en sus relaciones con los demás Estados.

## VII.

La Conferencia de La Haya no limitó su obra á consagrar el principio del arbitraje facultativo. Recomendó y reglamentó, además, otros recursos muy eficaces para evitar los conflictos armados, como son, entre otros, los buenos oficios y la mediación, resolvió así, una vez más, que las Naciones no deben obligarse de antemano á resolver todas sus diferencias por medios determinados.

Estos recursos están exentos de los inconvenientes del arbitraje y por consiguiente es obvia la superioridad que tendrán en muchos casos, sobre éste, para dirimir cuestiones internacionales.

we represent has adjusted its policy in the differences which it has had with other countries, and it was inspired by this rule of conduct in expressing its ideas in the conference at Washington in 1889 with respect to the matter of arbitration. And if it is true that the vote of its representative found itself alone in that assembly, it is also true that the posterior resolutions of all the foreign departments were in accord with the position of Chili, inasmuch as they did not ratify the treaty to which Chili refused her assent.

Our diplomatic history is full with examples which prove the constancy with which the Chilean foreign department has faithfully practiced the policy indicated.

Therefore in declaring ourselves, both in the conference of 1889 and in the present one, as decided partisans of optional arbitration, though combating it in its compulsory character, we do not assert a new theory in our diplomacy, but we rather support the rule of conduct which our country has invariably followed since 1823 in its relations with the other states.

## VII.

The Hague conference did not limit its work to the principle of optional arbitration. It further recommended and formulated other measures which are very efficacious to prevent armed conflicts, such as good offices and mediation; it therefore resolved, once again, that nations cannot bind themselves beforehand to resolve all their differences by specific methods.

These methods are free from the objections of arbitration, and therefore their superiority is obvious in many cases where they may have to settle international questions.

En efecto, estos medios son por su naturaleza siempre susceptibles de aplicarse. Por su sencillez y eficacia ponen término de ordinario á todas las controversias, aun aquellas de carácter político, en las que, como hemos dicho, no es aplicable el arbitraje.

Los buenos oficios y la mediación comienzan á ejercer sus efectos conciliatorios desde el instante mismo en que se ejercitan. Quitar así á la cuestión el carácter agudo con que pudiera presentarse ó que pudiera tomar después, y conducen de una manera más ó menos rápida á una solución satisfactorio para los países contendientes.

Además, la acción de estos medios se dirige, no á decidir, como el arbitraje, de una manera sentenciosa el conflicto, sino que adaptándose á las circunstancias y sacando partido de ellas en cada caso, encuentra soluciones definitivas que reúnen el asentimiento de ambas partes y hacen desaparecer radicalmente el conflicto. La solución es de este modo tanto más eficaz cuanto que no será el resultado de una decisión irrevocable, sino de la convicción que produce en los respectivos Gobiernos que el arreglo que se les propone es el que mejor consulta los intereses de cada uno.

Los hechos han venido en una larga serie de años á confirmar la eficacia de los buenos oficios y de la mediación para resolver las más graves cuestiones internacionales. El recurrir á estos medios de solución de los conflictos ha sido estipulado en numerosos tratados. Son dignos de mencionarse, entre ellos, el tratado de París de 30 de Marzo de 1856 y el acto general de la conferencia de Berlín de 25 de Febrero de 1885. Aquel pacto en su artículo 8 y éste en sus artículos 11 y 12, han consagrado la importancia de estos medios y dándole su lugar preferente entre

In fact, these measures are by their nature always susceptible of application. By reason of their simplicity and efficacy they usually put a stop to all controversies, even to those of a political character, when, as we have said, arbitration is not applicable.

Good offices and mediation begin their conciliatory effects from the moment they are put into practice, thus taking away from a question the sharp acrimonious character with which it might be presented or which it might assume later on, and lead in a more or less rapid manner to a solution satisfactory for the contending parties.

The action of these measures is further intended not to decide a contest, as does arbitration, in a sententious manner, but in adapting itself to circumstances and trying to obtain an advantage in every case, arriving at definitive solutions which meet the assent of both parties, and cause the conflict to radically disappear. The solution is in this manner the more efficacious, as it is not the result of an irrevocable decision, but of the conviction it produces in the respective Governments that the settlement which is proposed to them is one which is best calculated for the interest of each one.

Actual occurrences have contributed, during a long series of years, to confirm the efficacy of good offices and of mediation for the purpose of solving the gravest international questions. The recurrence to this method of deciding disputes has been stipulated in numerous treaties, among them deserving to be mentioned the treaty of Paris of the 30th of March, 1856, and the general act of the conference of Berlin of the 25th of February, 1885. The former in its article 8 and the latter in its articles 11 and 12 have established the importance

los que pueden emplearse para resolver los conflictos.

El proyecto ruso presentado á la conferencia de La Haya, en sus artículos 1 á 7, y la convención, resultado de los trabajos de esa conferencia, en sus artículos 2 á 9, son asimismo ejemplos que deben citarse en este orden de ideas acerca del cual creemos inútil entrar en otras consideraciones.

La delegación de Chile, fundada en las anteriores consideraciones, cree que las convenciones aprobadas por la conferencia internacional de la paz reunida en La Haya, son el paso más seguro y más avanzado en la ciencia de derecho internacional, y tiene la honra de proponer á la Segunda Conferencia Internacional Americana las siguientes:

#### BASES DE CONVENCIÓN.

Los Estados concurrentes á la Segunda Conferencia Internacional Americana, resuelven:

“Primero. Adherir á las convenciones subscriptas en La Haya entre las potencias que formaron parte de la conferencia internacional de la paz, para ‘el arreglo pacífico de los conflictos internacionales;’ para la ‘adaptación á la guerra marítima de los principios de la convención de Ginebra, de 22 de Agosto de 1864,’ y la ‘concerniente á las leyes y usos de la guerra terrestre.’

“Segundo. Encomendar, para el efecto, á los Gobiernos de los Estados Unidos de Norte América y de los Estados Unidos Mexicanos, signatarios de aquellos convenciones, las gestiones establecidas para la adhesión de potencias no signatarias.

“MÉXICO, 14 de Enero de 1902.—  
ALBERTO BLEST GANA, AUGUSTO MATTE, JOAQUÍN WALKER MARTÍNEZ, EMILIO BELLO CODECIDO.”

of these measures, and have accorded to them the place of preference among those that can be employed for the deciding of disputes.

The Russian project submitted to the conference of The Hague, in its articles 1 to 7, and the convention which resulted from the labors of that conference, in its articles 2 to 9, are also examples which should be cited in this strain of ideas, of which we believe it useless to enter upon further consideration.

The delegation of Chile, relying on the above considerations, believes that the conventions approved by the international conference of peace held at The Hague are the surest and most advanced measure known to the science of international law, and has the honor of proposing to the Second International American Conference the following:

#### BASES FOR A CONVENTION.

The States represented in the Second International American Conference resolve:

“First. To adhere to the conventions signed at The Hague by the powers which formed part of the international peace conference, for ‘the peaceful settlement of international conflicts;’ for the ‘application of the principles of the convention of Geneva, of the 22d of August, 1864, relating to maritime wars;’ and ‘relating to the laws and usages of wars on land.’

“Second. To recommend for that purpose to the action of the Governments of the United States of America and of the United States of Mexico the steps that are to be taken with regard to the adherence of the powers who have not signed this treaty.

“MEXICO, *January 14, 1902.*—  
ALBERTO BLEST GANA, AUGUSTO MATTE, J. WALKER MARTÍNEZ, EMILIO BELLO CODECIDO.”

Tratado de arbitraje obligatorio suscrito por las delegaciones de República Argentina, Bolivia, República Dominicana, El Salvador, Guatemala, México, Paraguay, Perú, Uruguay y Venezuela.

MÉXICO, *Enero 14 de 1902.*

*Señor Presidente de la Segunda Conferencia Internacional Americana:*

No habiendo podido la comisión de arbitraje arribar á un acuerdo sobre la materia que le ha sido encomendada, las delegaciones que subscriben y que forman la mayoría de las representadas en la conferencia, han celebrado el adjunto tratado de arbitraje obligatorio.

Sin perjuicio de esto, y de conformidad con el principio establecido en el artículo 19 de la convención de La Haya sobre arbitraje, las mismas delegaciones han celebrado con las demás, que no aceptan el principio del arbitraje obligatorio, un tratado para adherirse á la mencionada convención y á las demás del congreso de La Haya, y del cual se da cuenta por separado.

Presentan, en consecuencia, las infrascritas delegaciones el referido tratado de arbitraje obligatorio á la conferencia, para que, impresa de él, lo remita al ministerio de relaciones exteriores, á fin de que pueda ser perfeccionado.

(Firmado) Delegación de la República Argentina: ANTONIO BERMEJO, LORENZO ANADÓN. Delegación de Bolivia: FERNANDO E. GUACHALLA. Delegación Dominicana: FED. HENRÍQUEZ Y CARVAJAL, QUINTÍN GUTIÉRREZ. M. M. GALAVÍS, delegado de Venezuela. CECILIO BAEZ, delegado del Paraguay. Delegación de Guatemala: ANTONIO LAZO ARRIAGA, FRANCISCO ORLA. Delegación de México: ALFREDO CHAVERO, PABLO

Treaty on compulsory arbitration signed by the delegations of the Argentine Republic, Bolivia, the Dominican Republic, Salvador, Guatemala, Mexico, Paraguay, Peru, Uruguay, and Venezuela.

MEXICO, *January 14, 1902.*

*To the President of the Second International Conference:*

As the committee on arbitration has failed to arrive at an agreement on the matter intrusted to it, the undersigned delegations, forming the majority of those represented at the conference, have entered into the annexed treaty of compulsory arbitration.

Without affecting in any manner the said treaty and in conformity with the principle established in article 19 of the convention of The Hague on arbitration, the same delegations have entered into a treaty with those others who do not accept the principle of compulsory arbitration, in order that they may adhere to the aforesaid convention and to the others pertaining to The Hague Congress, and which treaty is herewith presented.

The undersigned delegations have therefore the honor of presenting to the conference said treaty of compulsory arbitration, in order that, after taking due note thereof, it may be sent to the department of foreign affairs so as to be perfected.

(Signed) Delegation of the Argentine Republic: ANTONIO BERMEJO, LORENZO ANADÓN. Delegation of Bolivia: FERNANDO E. GUACHALLA. Dominican Delegation: FEDERICO HENRÍQUEZ Y CARVAJAL, QUINTÍN GUTIÉRREZ. M. M. GALAVÍS, delegate for Venezuela. CECILIO BAEZ, delegate for Paraguay. Delegation of Guatemala: ANTONIO LAZO ARRIAGA, FRANCISCO ORLA. Delegation of Mexico: PABLO MACEDO, JOSÉ

MACEDO, JOSÉ LÓPEZ-PORTILLO Y ROJAS, F. L. DE LA BARRA, E. PARDO (Jr.), M. SÁNCHEZ MÁRMOL, ROSENDO PINEDA. JUAN CUESTAS, delegado del Uruguay. Delegación de El Salvador: F. A. REYES, BALTASAR ESTUPINIAN. Delegación del Perú: ISAAC ALZAMORA, MANUEL ÁLVAREZ CALDERÓN, ALBERTO ELMORE.

(For text of treaty see Appendix D.)

LÓPEZ PORTILLO Y ROJAS, F. L. DE LA BARRA, E. PARDO, Jr., M. SÁNCHEZ MÁRMOL, ROSENDO PINEDA. Delegate for Uruguay: JUAN CUESTAS. Delegation of Salvador: F. A. REYES, BALTASAR ESTUPINIAN. Delegation of Peru: ISAAC ALZAMORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE.

[Extract from the minutes of the conference for the thirty-fourth day, January 22, 1902.]

Se dió lectura á la nota de la delegación peruana con que acompaña una exposición razonada sobre la política de su nación en materia de arbitraje y que es la exposición de motivos de la misma delegación respecto del tratado de arbitraje obligatorio que suscribió y que se ha transmitido á la secretaría de relaciones exteriores de México, pidiendo que dicho documento se remita á la expresada secretaría, conforme á la fracción 5 del artículo 1° del reglamento, como anexo á aquel tratado, y que se agregue copia de ella al acta respectiva.

La presidencia acordó que se inserte en el acta el documento á que se refiere la nota de la delegación peruana, y que se remita copia de él á la secretaría de relaciones exteriores de México. Dicha nota y la exposición respectiva quedan agregadas á esta acta como Anexo núm. 1.

[ANEXO 1.]

Nota de la delegación peruana, con que presenta una exposición de la política del Perú en materia de arbitraje.

MÉXICO, Enero 21 de 1902.

*Señor Presidente de la Conferencia Internacional de México:*

Habiendo presentado varias delegaciones á esa asamblea una exposición razonada sobre la polí-

A note of the Peruvian delegation was read, with which it transmitted a statement, explanatory of the policy of their nation, on the subject of arbitration, and which is also the exposition of the motives of the delegation itself, with reference to the treaty of compulsory arbitration, which it had signed and which has been transmitted to the department of foreign affairs of Mexico. In the said note it is asked that the document be transmitted to the department alluded to, in accordance with paragraph 5 of article 10 of the Regulations, as an annex to said treaty, and that a copy of the same be added to the respective minutes.

The chair ruled that it be inserted in the document to which the note of the Peruvian delegation refers, and that a copy of the same be transmitted to the department of foreign affairs of Mexico. The note referred to and the respective preamble are added to these minutes as Annex No. 1.

[ANNEX No. 1.]

Note from the Peruvian delegation accompanying a statement about Peru's policy on arbitration.

MEXICO, January 21, 1902.

*To the President of the International Conference of Mexico:*

As several of the delegations have presented to this assembly statements supported by argu-

tica que sus respectivos países siguen en materia de arbitraje, nos es grato presentar también el adjunto documento sobre la política que el Perú ha mantenido, en todo tiempo y con todos los Estados, sin consideración á la fuerza relativa de ellos, con referencia á asunto de tanta trascendencia.

Ese documento contiene á la vez la exposición de motivos de los delegados peruanos, respecto del tratado de arbitraje obligatorio, que han firmado, y que se ha transmitido á la secretaría de estado y de relaciones exteriores de México.

Agradeceríamos á V. E. se sirva remitir dicha exposición á la expresada secretaría, conforme á la frac. VII del art. 1º del reglamento, como anexo de aquel tratado, agregándose copia de ella al acta respectiva.

Aprovechamos de esta oportunidad, para subscribirnos de V. E. muy atentos obsecuentes servidores.

(Firmado) ISAAC ALZAMORA,  
MANUEL ALVAREZ CALDERÓN,  
ALBERTO ELMORE.

Exposición de motivos que presenta la delegación del Perú, respecto al tratado de arbitraje obligatorio.

La estabilidad de las instituciones y la paz entre las Repúblicas de América, constituyen las dos necesidades cardinales de esta parte del mundo. Nada cabe hacer para promover el adelanto material de nuestros países, nada permanente y eficaz podemos idear para ligarnos estrechamente en la gran jornada de la civilización, si ante todo no procuramos afirmar el orden interno de las jóvenes naciones americanas, y si no excluimos con franqueza y con energía las causas

ments on the policy followed by their respective countries in the matter of arbitration, we take pleasure in presenting also the annexed document on the policy followed by Peru on such a transcendental matter, at all times and with all the States, regardless of their respective strength.

That document contains at the same time an exposition of reasons of the Peruvian delegates, with regard to the treaty of compulsory arbitration, which they have signed and which has been transmitted to the department of foreign affairs of Mexico.

We will be under obligations if your excellency would be good enough to send said memorandum to the above department, in accordance with paragraph 7 of article 10 of the regulations, as an annex of the treaty in question, and to order that a copy thereof be added to the respective minutes.

We avail ourselves of this opportunity to subscribe ourselves, Your Excellency's, obedient servants.

(Signed) ISAAC ALMAZORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE.

Report on the motives presented by the delegation of Peru with regard to the treaty of compulsory arbitration.

The stability of institutions and peace among the American Republics constitute the two principal requirements in this portion of the world. Nothing can be done to promote the material improvements of our countries, nothing of a permanent and efficacious character can be suggested to closely unite us in the great pathway of civilization, if, above all, we do not endeavor to insure the internal order of our young American nations; if we do not frankly and

de desavenencias, de recelos, de inquietudes, de luchas latentes ó activas que existen ó que pueden existir entre ellas. No hay ninguna evolución posible fuera de esa ancha base de la estabilidad interior y de la paz internacional. En la vida de las naciones, como en la vida social, hay un período caracterizado por la exaltación del sentimiento de defensa, en el cual todas las energías concurren á asegurar lo que se considera la propia conservación. Semejante período no es, sin duda, el más apropiado para utilizar las fuerzas vivas del país. Cuando las naciones consagran su existencia á esquivar el ataque de las demás ó á preparar agresiones, todos sus factores de vitalidad se malgastan, toda la base de su civilización futura se desperdicia, y caen fatalmente en el militarismo, que significa disminución de libertades políticas, agotamiento de fuerzas económicas, é iniciación de un régimen internacional de guerra latente, tanto más pernicioso, cuanto es indefinido.

Los delegados de la América congregados aquí, han traído, por eso, como anhelo supremo, como prenda indispensable para que la labor de la Conferencia no sea aparente sino efectiva, la realización de esta idea: los acuerdos del Segundo Congreso Internacional Americano han de tener por fundamento sólido la promulgación de un régimen de derecho entre las Repúblicas, que suprema, en lo posible, las rivalidades permanentes, las desinteligencias, pasionales, las odiosidades hereditarias, las ambiciones de predominio que alimentan la paz armada, y las guerras activas.

No vamos á perseguir, por cierto, el reinado de la armonía y de la felicidad común, como lo imaginó Kant en sus proyectos de paz perpetua. No vamos á invocar las muchas tentativas ó propagandas generosas que en ese sen-

energetically eliminate the causes of disagreements, animosities, restlessness, and dormant and active struggles existing, or which may exist among them. There is no possible solution outside of this ample basis of interior stability and of international peace. In the history of nations, as well as in social life, there is a period characterized by the exalted principle of defense, in which all energies are joined together to insure what is esteemed to be self-preservation. Such period is not, doubtless, the most appropriate to utilize the active strength of the country. When nations devote their existence to avoid the attack of others, or to prepare attacks, all their factors of vitality are wasted, all their future civilization is lost, and they fatally fall into militarism, which means a diminishing of political liberties, the exhaustion of economic forces and an initiation of international régime of latent war, so much the more harmful, since it can not be defined.

The delegates of America, assembled here, have therefore sought, as a supreme aspiration, and have considered as an indispensable pledge, that the labors of the conference shall not be apparent, but real, the realization of this idea: The resolution of the Second International American Conference shall have, as a solid foundation, the promulgation of a system of equity and right among the republics, which may suppress as far as possible permanent rivalries, impassioned disagreements, hereditary rancors, ambition for predominance, which maintain armed peace and active wars.

We shall not, indeed, attain the reign of harmony and happiness, as imagined by Kant in his plans for perpetual peace. We shall not invoke the many other attempts and noble doctrines that in that direction have been made. Noth-

tido se han hecho. Nada de ésto. Esas propagandas y tentativas tenían su lugar y han tenido su efecto. Ellas han exhibido el ideal y han empujado á la humanidad hacia las parciales conquistas que ha realizado.

Nuestro propósito, ahora, se refiere simplemente á examinar hasta qué punto ciertas reglas jurídicas, por la generalidad ó frecuencia de su aplicación, han alcanzado la madurez necesaria, ó en otros términos, hasta qué punto han penetrado en la conciencia nacional de las Repúblicas Americanas para determinar su sanción en esta conferencia.

Lo que llamaremos la organización jurídica de las relaciones internacionales, tiene en América tradiciones amplias que no por ser muy conocidas, es menos útil recordar. El congreso de Panamá en 1826, el congreso de Lima en 1847, el tratado continental de 1856, y el segundo congreso de Lima en 1864, nacieron seguramente al calor del sentimiento de defensa en presencia de riesgos comunes; pero á la vez que ese objetivo, atendieron á regularizar las relaciones de nuestros países, asentándolas en bases netamente jurídicas. Todos esos actos internacionales produjeron estipulaciones más ó menos extensas y acertadas para resolver nuestros conflictos externos por media del arbitraje obligatoriamente establecido. Pasadas las zozobras de esas épocas, quedó viva la aspiración de normar por el arbitraje obligatorio nuestras relaciones recíprocas. Responden á esta afirmación la primera conferencia celebrada en Washington en 1889-90, el congreso centro-americano de la Paz, el congreso de México en 1896, el congreso Hispano-Americano de Madrid en 1900 y el congreso de Montevideo en 1901. El arbitraje instituido como regla forzosa ha sido materia de las deliberaciones en esos casos.

ing of the kind. Those doctrines and attempts had their place and effect. They have displayed an ideal and have led humanity to the partial conquests that have been realized.

Our aim now is to simply examine how far certain juridical methods which, through their frequent or general application, have been thoroughly understood, or, in other words, how far they have penetrated into the national intelligence of the American Republics, in order that their sanction may be approved by this conference.

What we may call the juridical organization of international relations, has, in America, ample traditions, which on account of their not being well known it is not so useful to quote. The congress of Panama in 1826, that of Lima in 1847, the continental treaty of 1856, and the second congress of Lima in 1864, originated from the intensity of the feeling of defense in the presence of common danger, but at the same time they sought to regulate the relations of our countries then on strictly juridical reasons. All these international acts resulted in stipulations, more or less extensive and effective, to decide our external conflicts by means of arbitration, established by compulsion. After the anxieties of those times had passed, our desire to normalize our reciprocal relations by means of compulsory arbitration remained alive. To this affirmation correspond the first conference at Washington in 1889-90, the Central American congress of peace, the congress of Mexico in 1896, the Spanish-American congress of Madrid in 1900, and the congress of Montevideo in 1901. Arbitration established as a compulsory rule has been the subject of the deliberations in all the cases mentioned.



Verdad que, en general, las resoluciones, las recomendaciones ó los tratados derivados de esos trabajos colectivos, ó no han sido ratificados por todas las naciones, ó no han sido exactamente observados. Pero los recordamos para comprobar la existencia de un sentimiento permanente, de una opinión invariable en esta parte del mundo. Claro es que si tales actos hubieran tenido pleno efecto, el problema de la paz y de la justicia internacional estaría resuelto en América, y no continuaría ocupando nuestra atención. Mas ha de advertirse que de la relativa ineficacia de tan repetidos intentos, no deducimos nosotros su inoportunidad, ni la necesidad de abandonarlos. Esto equivaldría á declarar inútiles las leyes penales de todos los pueblos, por no haber logrado ellas la extirpación del delito.

No puede decirse, tampoco, absolutamente hablando, que la aspiración hacia el régimen del arbitraje, haya sido defraudada en los hechos. Existen á lo menos sesenta tratados perfeccionados, en los que se ha estipulado el arbitraje entre naciones americanas, ya para casos concretos, ya como cláusula compromisoria, ya como institución permanente. Existen, asimismo, tratados de nuestros países con naciones europeas. Y es dable citar, en fin, algunos casos, en los que el juicio arbitral se ha consumado y el laudo ha puesto término á conflictos de fronteras ó de otro orden, que amenazaban perturbar la paz.

Nos parece que contemplando, en conjunto, ese gran número de arbitramentos obligatorios, hay bastante razón para asegurar que en América está formada la opinión, y que resta solamente extraer de todos los pactos firmados, los puntos comunes que sean susceptibles de que la actual conferencia

It is true, generally speaking, that the resolutions, the recommendations, and the treaties resulting from these collective labors have either not been ratified by all the nations or have not been strictly observed. But we recollect them, in order to demonstrate the existence of a permanent sentiment, of an invariable opinion in this part of the world. It is evident that if the acts referred to had been carried into effect the problem of peace and justice would have been solved in America, and would not now occupy our attention. But it has to be observed that from the relative lack of efficacy of these repeated endeavors, we should not argue their inopportunity nor the necessity of abandoning them. Such would be equivalent to declaring that the penal laws of all nations were useless, because they had not succeeded in exterminating crime.

Nor can it be said, strictly speaking, that the aspiration toward the establishment of arbitration had been disappointed by actual facts. There exist at least sixty treaties actually concluded, in which arbitration among American nations has been established, either for special cases, or as a compromising clause, or as a permanent institution. There exist at the same time treaties between our countries and European nations, and lastly some cases can be cited in which the proceedings of arbitration have been effected and the sentence has put an end to conflicts of boundaries or other natures which threatened to disturb peace.

It seems to us that if that great number of compulsory arbitration agreements is considered as a whole, there is enough reason to assure that the question is settled in America, and that it only remains to gather from all the agreements signed the points in common, which can be susceptible of

los convierta en reglas de carácter general.

Los congresos internacionales no crean, en realidad, el derecho, pero tienen dos misiones altísimas que justifican la relativa frecuencia de su reunión en Europa y en América. Los congresos internacionales deben investigar dentro de las materias de su programa, todas las estipulaciones que los Estados han consignado en sus tratados en una época más ó menos extensa, y que revelen una orientación jurídica determinada. Sobre semejante base, los congresos están llamados á convertir las prácticas dispersas en reglas de derecho positivo, aplicables á los grupos de naciones que los forman. Además de esto, que es muy interesante, los congresos no han de perder de vista los ideales del derecho internacional, pues aun cuando los intereses políticos resistan por cierto tiempo la sanción de principios, las conferencias tienen el deber de proclamarlos y de recomendar su adopción.

En orden al arbitraje obligatorio, los deberes de esta conferencia, son ineludibles. Desde luego, es necesario reconocer que la institución, con su carácter forzoso, ha dejado de ser una simple doctrina, una mera aspiración de publicistas y de espíritus generosos, para convertirse en una práctica internacional indiscutida. Quedan muy pocas naciones en el mundo que por razones transitorias rechazan el arbitraje obligatorio. Concretándonos á América, desde los Estados Unidos del Norte hasta la Argentina y Chile, todas las repúblicas lo han pactado en distintos tiempos. Sería fatigoso enumerar los tratados que con motivo de esta conferencia han sido agrupados en una publicación especial. Últimamente también la Europa ha dado una prueba de todo lo que ha avanzado el derecho internacional, á pesar de la situación política de ese

being converted by this conference into rules of a general character.

The international congresses do not in fact create laws, but they have two lofty purposes, which justify the relative frequency of their assembling in Europe and America. International congresses must investigate, within the limit of the matters on their programmes, all the stipulations provided for by the States in their treaties, in a more or less lengthy period, and which reveal a definite juridical system. Congresses are destined in such cases to convert separate practices into rules of actual law, applicable to the groups of the nations which form them. Apart from this, which is very important, congresses will not lose sight of the ideals of international law, for, although political interests may resist for a certain time the sanction of broad principles, the duty of the conferences is to proclaim them and to recommend their adoption.

With regard to compulsory arbitration the duties of the conference can not be avoided. It is necessary to at once acknowledge that that institution, with its compulsory character, is not any more a simple doctrine, or a mere aspiration of writers and noble minds, but has been converted into an indisputable national practice. There are very few nations in the world which on account of temporary reasons reject compulsory arbitration. Confining ourselves to America, from the United States of North America to Argentina and Chile, all the Republics have agreed to it at different times. It would be very troublesome to enumerate the treaties which, on account of this conference, have been gathered together in a special publication. Europe has also of late given a proof of the advance made by international

continente. La conferencia de la paz reunida en La Haya sancionó virtualmente el arbitraje obligatorio. El proyecto ruso lo propuso, y la tercera comisión á cuyo estudio se sometió, lo aceptó calurosamente. Después de su aceptación, el delegado del Imperio Alemán recibió instrucciones que no le permitieron firmar el tratado respectivo, y la comisión entonces declaró que las demás naciones sacrificaban su opinión y sus deseos de ir adelante en materia de arbitraje, en aras de la necesidad de llegar á un acuerdo unánime. La comisión, en seguida, reafirmó los tratados particulares de arbitraje obligatorio de las naciones que componían la conferencia y redactó una cláusula, incitando á las mismas naciones á obligarse de un modo general y permanente para someter á arbitraje las controversias de naturaleza jurídica. "La opinión de esa disposición, que las circunstancias han hecho necesarias, decía el Caballero Descamps, impone sacrificios á los Estados resueltos á dar un paso, aunque prudente, en la vía señalada por la delegación rusa. Conviene notar, sin embargo, que queda abierto el camino á las buenas voluntades." Y la comisión informante agregaba: "La disposición adoptada (que excluye el arbitraje obligatorio) es un voto de transacción, inspirado por el deseo de alcanzar la unanimidad."

Quiere decir esto, en buena cuenta, que el arbitraje obligatorio no mereció ser rechazado á título de utopía ni de doctrina impracticable. Fué, por el contrario, consagrado por eminentes autoridades científicas y por los representantes de las más poderosas naciones de

law, notwithstanding the political conditions of that continent. The peace conference of The Hague virtually sanctioned compulsory arbitration. The Russian project proposed it, and the third committee, to whose consideration it was submitted, warmly approved it. After its acceptance the delegate for the German Empire received instructions which did not permit him to sign the respective treaty, and the committee then declared that the other countries gave up their opinions and their desires to advance any further on the matter of arbitration, in the recognition of the necessity of arriving at a unanimous resolution. The committee then confirmed the private treaties of compulsory arbitration between the countries that formed the conference and drafted a clause appealing to the same nations to bind themselves, in a general and permanent manner, to submit all controversies of juridical nature to arbitration. "The character of that provision which has, on account of circumstances, been necessary, said Chevalier Descamps, imposes sacrifices on the States which are resolved to take a step, though a prudent one, in the manner indicated by the Russian delegation. But it is nevertheless necessary to state that the field remains open to further endeavors in that direction." And the reporting committee added: "The proposition as adopted (which excludes compulsory arbitration) is a vote of compromise animated by the desires to reach a unanimous agreement."

This means, in plain words, that there was no reason why compulsory arbitration should be rejected as utopian or as an impracticable doctrine. It was, on the contrary, acknowledged by eminent scientific authorities, and by representatives of the most powerful Euro-

la Europa, y á no existir motivos especiales que afectaban á una sola de estas, seguramente habría quedado sancionado como regla de derecho positivo europeo. No sucedió esto, por desgracia, y el tratado de arbitraje de La Haya no adquirió así, grande importancia, y, apreciado en su sentido técnico y político, significa simplemente el medio empleado para contemporizar con una oposición singular y eludir en el hecho la cuestión del arbitraje efectivo como institución permanente.

Estos antecedentes históricos demuestran dos cosas: primera, que contemplando la conferencia de La Haya como una manifestación autorizada de opiniones técnicas y políticas, es patentemente inexacto decir que esa conferencia condenó el arbitraje obligatorio ó lo consideró prematuro ó inaplicable; y segunda, que el tratado de arbitraje de La Haya, como documento jurídico, no es, por cierto, un modelo digno de imitarse en América, dado que sus mismos autores lo declararon fórmula de transacción europea, que encerraba sacrificios de anhelos más avanzados, alimentados por casi todas las naciones congregadas.

Lo único que se discute en materia de arbitraje, es la extensión que ha de dársele por razón de la naturaleza de los asuntos:

La extensión en cuanto al tiempo, esto es, si ha de abarcar él las cuestiones presentes y futuras, no ha dado lugar á controversias serias. En la Conferencia de La Haya, las 26 naciones reunidas aceptaron la idea de que el arbitraje comprendiese los conflictos actuales y futuros. A este respecto la comisión del ramo fué muy explícita. Los Estados, decía ella, se esfuerzan en protegerse contra sus propios impulsos en el porvenir, adoptando la vía de las

pean nations, and had not special motives existed which affected only one of these nations, it surely would have been sanctioned as a rule for positive European right. Unfortunately that was not so, and the treaty for arbitration of The Hague did not attain all its importance, and, if considered in its technical and political sense, it simply means a method employed to temporize with a peculiar opposition and to elude, in fact, the question of effective arbitration as a permanent institution.

These historical antecedents demonstrate two things: First, that considering the conference of The Hague in the light of an authorized manifestation of technical and political opinions, it is clearly wrong to say that that conference condemned compulsory arbitration or considered it as premature and inapplicable; and second, that the treaty of arbitration of The Hague, as a juridical document, is not certainly a standard worthy of imitation in America, as its own authors declared it to be a formula for European compromise, which implied the sacrifice of more advanced desires by which most of the nations represented were inspired.

The only thing to be discussed in the matter of arbitration is the scope to be given to it, considering the nature of the subjects to be treated.

The question of time—that is to say, if it is to cover present and future questions—has not given rise to serious controversies. At the conference of The Hague the 26 nations there assembled accepted the idea of arbitration, including present and future conflicts. The committee on arbitration on the subject was very explicit. The States, it said, endeavor to protect themselves against their own future impulses by adopting means for peaceful

soluciones pacíficas antes del nacimiento de los litigios, y creando en ciertas zonas de sus relaciones una paz previsoría apoyada en un tratado. La estipulación compromisoria puede ser también genérica, y abarcar entonces la universalidad, ó al menos la mayor parte de los litigios entre Estados. Es el tratado general de arbitraje, contrato verdaderamente orgánico de la paz jurídica, consagración positiva de la justicia arbitral como modo propio, normal, aceptado de antemano, para la solución de los litigios internacionales. El estado actual del derecho internacional positivo, desde el punto de vista de las extensiones diversas del contrato de arbitraje, se caracteriza, concluía la comisión de arbitraje, por los tratados siguientes:

1.—Aumento progresivo del número de compromisos en los que se recurre al arbitraje para contestaciones actuales.

2.—Multiplicación de arbitrajes de estipulaciones compromisorias, teniendo en mira series particulares más ó menos numerosas de contestaciones eventuales.

3.—Conclusión de ciertas convenciones, extendiendo la estipulación compromisoria, sea á todos los litigios entre Estados sin excepción, sea al conjunto de éstos litigios, bajo una reserva juzgada necesaria en cuanto á un orden de contestaciones que los Estados no creen poder entregar á las eventualidades del arbitraje.

Mucho antes del Congreso de La Haya, en Washington, se adoptó el mismo criterio, sin más disentiimiento que el de la República de Chile, que ni aceptaba la obligación del arbitraje, ni menos convenía en que en ningún caso pudiera abrazar las controversias actuales. Por lo demás, los tratados de arbitraje permanente que se conocen, en vez de excluir las

solutions before the commencement of litigations and by adopting at certain points of their relations a conditional peace, supported by a treaty. The binding stipulation can also be generic, and may then include the whole, or, at least, the greater part, of litigations between nations. The general treaty of arbitration is a truly organic contract of juridical peace—a positive recognition of arbitral justice, as a proper and normal means accepted beforehand for the solution of international litigations.

The present state of positive international law from the point of view of the different scope of the contract of arbitration is characterized, concluded the committee on arbitration, by the following treaties:

1. Progressive increase in the number of agreements wherein are to be found appeals to arbitration for present solutions.

2. Multiplicity of arbitrations in binding stipulations, keeping in view particular series, more or less numerous, of eventual solutions.

3. Conclusion of certain conventions extending the binding stipulations, whether it be to all litigations between nations without exceptions, or to all these litigations, under a reservation considered necessary with regard to an order of solutions which the States may not think they can leave to the eventuality of arbitration.

Long before the congress of The Hague the same opinion was adopted in Washington, without any dissent except on the part of Chile, which neither accepted the obligation of arbitration nor much less agreed that in any case could it include present controversies. On the other hand, the treaties of permanent arbitration which are known, instead of excluding pres-

controversias pendientes, han sido determinados precisamente por la necesidad de poner término pacífico á conflictos actuales.

La cuestión de la extensión por causa de la naturaleza de los asuntos es, sin duda, lo más arduo en orden al arbitraje. Si nos atuviéramos á tradiciones americanas, diríamos que sería consecuente estipular el arbitraje general sin exclusión de ninguna especie de negocios. Existen de esto numerosos ejemplos. El tratado celebrado el 22 de Septiembre de 1829 entre Colombia y el Perú, sometía á decisión arbitral aun las llamadas cuestiones de honor. Este tratado decía: "Sean cuales fueren los motivos de disgusto que ocurran entre las dos Repúblicas, por quejas de injurias, agravios ó perjuicios cualesquiera, ninguna de ellas podrá autorizar actos de represalia, ni declarar la guerra contra la otra, sin someter previamente sus diferencias al Gobierno de una Potencia amiga de ambas." El tratado de 1832, entre el Ecuador y el Perú, sometía también "cualquiera desaveniencia que se suscitare entre la República Peruana y el Estado del Ecuador á la decisión de una Potencia árbitra." Estipulaciones generales, sin exclusión expresa, se encuentran también en los siguientes tratados:

1. En el de 1842, entre Venezuela y Nueva Granada.
2. En el de 1845, entre Guatemala y Honduras.
3. En el de 1848, entre los Estados Unidos del Norte y los Estados Unidos Mexicanos.
4. En el de 1850, entre Costa Rica y Honduras.
5. En el de 1855, entre El Salvador y Colombia.
6. En el de 1856, entre Nueva Granada y el Ecuador.
7. En el de 1858, entre Nueva Granada y el Perú.

ent controversies, have been decided upon precisely by the necessity of peacefully terminating some present conflicts.

The question of extension on account of the nature of the subjects is doubtless the most arduous point in arbitration. If we were to base ourselves upon American traditions, we would think that it would be consistent to agree on general arbitration without excluding questions of any kind. There are numerous examples with regard to these matters. The treaty entered into on September 22, 1829, between Colombia and Peru, submitted to arbitral decision all questions, even those called of honor. This treaty stated: "Whatever the motives for disagreements arising between two republics may be, on account of complaints of insults, offenses or damages of any kind, neither of said republics can authorize acts of reprisals nor declare war against the other without previously submitting their differences to the Government of a power friendly to both nations." The treaty of 1832 between Ecuador and Peru also submitted any disagreement which may arise between the Peruvian Republic and the State of Ecuador to the decision of an arbitral power. General stipulations, without any specified exceptions, are also found in the following treaties:

1. In that of 1842 between Venezuela and New Granada.
2. In that of 1845 between Guatemala and Honduras.
3. In that of 1848 between United States of America and the United States of Mexico.
4. In that of 1850 between Costa Rica and Honduras.
5. In that of 1855 between Salvador and Colombia.
6. In that of 1856 between New Granada and Ecuador.
7. In that of 1858 between New Granada and Peru.

8. En el de 1858, entre Argentina y Bolivia.

9. En el de 1860, entre el Ecuador y el Perú.

10. En el de 1861, entre Nicaragua y Costa Rica.

11. En el de 1862, entre Guatemala y Nicaragua.

12. En el de 1863, entre Bolivia y el Perú.

13. En el de 1865, entre Costa Rica y Colombia.

14. En el de 1867, entre Bolivia, Chile y Ecuador.

15. En el de 1868, entre Costa Rica y Nicaragua.

16. En el de 1870, entre Colombia y el Perú.

17. En el de 1872, entre Guatemala, Honduras, San Salvador y Costa Rica.

18. En el de 1874, entre Argentina y el Perú.

19. En el de 1876, entre Argentina y Paraguay.

20. En el de 1876, entre Bolivia y el Perú.

21. En el de 1880, entre El Salvador y Colombia.

22. En el de 1882, entre El Salvador y Santo Domingo.

23. En el de 1883, entre el Uruguay y El Salvador.

24. En el de 1883, entre el Paraguay y el Uruguay.

25. En el de 1883, entre El Salvador y Venezuela.

26. En el de 1884, entre Costa Rica y Nicaragua.

27. En el de 1885, entre Guatemala, San Salvador y Honduras.

28. En el de 1887, entre las cinco Repúblicas Centro-Americanas.

29. En la Conferencia oficiosa protocolizada y suscrita en 1887 por la Argentina, Bolivia, Colombia, Ecuador, Perú, Salvador, Santo Domingo y Venezuela.

30. En el de 1888, entre México y el Ecuador.

31. En el de 1890, entre el Ecuador y Costa Rica.

8. In that of 1858 between the Argentine Republic and Bolivia.

9. In that of 1860 between Ecuador and Peru.

10. In that of 1861 between Nicaragua and Costa Rica.

11. In that of 1862 between Guatemala and Nicaragua.

12. In that of 1863 between Bolivia and Peru.

13. In that of 1865 between Costa Rica and Colombia.

14. In that of 1867 between Bolivia, Chile, and Ecuador.

15. In that of 1868 between Costa Rica and Nicaragua.

16. In that of 1870 between Colombia and Peru.

17. In that of 1872 between Guatemala, Honduras, Salvador, and Costa Rica.

18. In that of 1874 between the Argentine Republic and Peru.

19. In that of 1876 between the Argentine Republic and Paraguay.

20. In that of 1876 between Bolivia and Peru.

21. In that of 1880 between Salvador and Colombia.

22. In that of 1882 between Salvador and Santo Domingo.

23. In that of 1883 between Uruguay and Salvador.

24. In that of 1883 between Paraguay and Uruguay.

25. In that of 1883 between Salvador and Venezuela.

26. In that of 1884 between Costa Rica and Nicaragua.

27. In that of 1885 between Guatemala, San Salvador, and Honduras.

28. In that of 1887 between the five Republics of Central America.

29. In the official protocolized conference subscribed in 1887 by the Argentine Republic, Bolivia, Colombia, Ecuador, Peru, Salvador, Santo Domingo, and Venezuela.

30. In that of 1888 between Mexico and Ecuador.

31. In that of 1890 between Ecuador and Costa Rica.

32. En el de 1890, entre Guatemala y Salvador.

33. En el de 1896, entre Bolivia y el Brasil.

34. En el de 1896, entre Colombia y Venezuela.

35. En el de 1898, entre Italia y la República Argentina.

36. En el de 1881, entre Argentina y Chile.

37. En el de 1890, entre el Perú y Bolivia.

38. Además en el de 1898, entre la Argentina é Italia.

En esos tratados no existe, como hemos dicho, la exclusión de ningún asunto. Así aparece en la publicación especial que se ha hecho con motivo de esta Conferencia. Son, en verdad, raros los casos de tratados americanos en los que se ha exceptuado cuestiones de independencia, de seguridad, de integridad ó de honor. En el tratado de 1890 entre Costa Rica y El Salvador, se declara "bárbaro é inícuo el medio de la guerra para dirimir cuestiones en que no esté directamente interesado el honor nacional." En el de México y El Salvador, en 1893, se habla de las controversias entre ambos países, que deben someterse á arbitraje, "siempre que ellas fueren susceptibles de resolverse por ese medio." En el del Ecuador y Colombia, de 1894, hay referencia "á asuntos que afecten á la soberanía nacional ó que de alguna manera sean por su naturaleza incompatibles con el arbitraje," para los cuales se pacta únicamente la mediación ó los buenos oficios. El de Guatemala y El Salvador, de 1890, enumera las controversias á propósito de las cuales el arbitraje será obligatorio, ya para las Partes Contratantes, ya para la una ó la otra simplemente. Cita las cuestiones que conciernen á los privilegios diplomáticos y consulares, á los límites, á los territorios, á las indemniza-

32. In that of 1890 between Guatemala and Salvador.

33. In that of 1896 between Bolivia and Brazil.

34. In that of 1896 between Colombia and Venezuela.

35. In that of 1898 between Italy and Argentine Republic.

36. In that of 1881 between the Argentine Republic and Chile.

37. In that of 1890 between Peru and Bolivia.

38. Besides, in that of 1898, between the Argentine Republic and Italy.

In these treaties there does not exist, as we have said before, the exclusion of any question. It so appears in the special publication made on the occasion of the assembling of this Conference. There are indeed very few American treaties in which the questions of independence, safety, integrity, or honor have been excluded. In the treaty of 1890 between Costa Rica and Salvador, "the means of war for deciding questions, in which national honor is not directly interested, are considered barbarous and unjust." In the treaty between Mexico and Salvador in 1893, reference is made to the controversies between the two countries, which must be submitted to arbitration "provided that said questions be susceptible of being decided by that means."

In the treaty between Ecuador and Colombia, 1894, reference is made "to matters affecting the national sovereignty or which may in any manner be by their nature incompatible with arbitration," for which the mediation or good offices are only agreed upon. The treaty between Guatemala and Salvador of 1890 specifies the controversies for which arbitration shall be compulsory, whether for both contracting parties or simply for one or the other. It quotes the questions concerning diplo-



ciones, á los derechos de navegación, á la validez, á la interpretación, á la ejecución de los tratados, y, en general, á todas las otras cuestiones, cualquiera que sea su objeto. Exceptúa solamente las cuestiones que, según el juicio exclusivo de algunas de las naciones interesadas en la disputa, comprometan su autonomía y su independencia.

En cambio, en otros tratados de esas mismas naciones y en la generalidad de los celebrados en América, estipúlase el arbitramento para todo género de conflictos ó desavenencias. Basta citar como ejemplo dos de los tratados mencionados. El de Chile, Ecuador y Bolivia, de 1867, en su cláusula 11 dice: "Las Repúblicas contratantes, obedeciendo á sus antecedentes sociales, á las exigencias de actualidad y á las principios que se proponen implantar en América, declaran: que todas las cuestiones, que con cualquier motivo pudieran suscitarse entre ellas, ya por mala inteligencia de algunos de los artículos del presente Tratado, ya por pretendidas infracciones del mismo, ya por ofensas, injurias ó daños de que se quejase un Estado en contra de otro, ó por disputa de límites, jamás recurrirán á las armas, y la guerra nunca será entre ellas el medio de hacerse justicia ni de obligarse al cumplimiento de lo pactado. Así, dado que, por desgracia, lo que no es de esperar, llegase á interrumpirse la buena armonía que hoy existe entre ellas, se observará el siguiente procedimiento: Se dirigirán las Repúbli-

matic and consular privileges, boundaries, indemnifications, territory, rights of navigation, validity, interpretation and execution of treaties, and, in general, all other questions of whatever kind they may be. It only excepts such questions as, according to the private opinion of any of the nations interested in the dispute, may compromise their autonomy and independence. On the other hand, in other treaties between the same nations, and generally in those executed in America, arbitration for all kinds of conflicts or disagreements is provided for. The treaty of Chile, Ecuador, and Bolivia, of 1867, may serve as a guide, for in its eleventh clause it says:

"The contracting Republics, complying with their social antecedents, with the present requirements, and with the principles which they intend to establish in America, declare that all questions which may arise between them on any account, whether it be through a misunderstanding of any of the articles of the present treaty, through supposed infractions of the same, upon the complaint of offenses damages, or losses by one State against the other, or through boundary disputes, shall never have recourse to arms, and war shall never be the means between them to exercise justice, nor of binding each other to the fulfillment of the agreement. Thus in the unfortunate case that good harmony which now exists between them should be interrupted, the following procedure shall be followed: The Republics at discord shall address to one another a memorandum explaining the demands of each, and the reasons on which they base them. If they should not agree by these means, they shall procure the good offices or mediation of one of the other nations. Should this measure also

cas en desacuerdo, una exposición fundada que exprese las exigencias de cada cual y las razones en que las apoyen. Si por este medio no lograsen avenirse, buscarán los buenos oficios ó la mediación de una de las otras. Si esta providencia no diese tampoco ningún resultado, se someterán al fallo inapelable de un árbitro."

El art. 1º del tratado de 1880, entre El Salvador y Colombia, expresa: "La República de El Salvador y los Estados Unidos de Colombia contraen á perpetuidad la obligación de someter á arbitraje, cuando no consigan dar la solución por la vía diplomática, á las controversias y dificultades de cualquier especie que puedan suscitarse entre ambas naciones."

Puede, así, afirmarse, sin peligro de inexactitud, que las restricciones del arbitraje por motivos de independencia, ó de honor, ó de lo que vagamente se denomina intereses superiores, constituyen en este Continente una reacción nueva, desconocida por mucho tiempo en nuestra vida internacional. No creemos que esa reacción sea digna de que los Congresos americanos la fomenten; nos parece que ella responde á conceptos y sentimientos que alcanzaron su desarrollo en la época feudal, y que carecen de razón de ser en estos tiempos. El honor, especialmente, no consiste ya en la susceptibilidad casi enfermiza de la edad media. El honor en el Estado moderno está cifrado en vivir una vida jurídica, en contribuir á la civilización propia y al adelanto de la humanidad, en no abusar de la fuerza, sino en ponerla al servicio de la justicia, en respetar los tratados aun cuando se tenga el poder material de violarlos.

Los titulados "Intereses Superiores ó Vitales," no podrían, de seguro, ser objeto de una definición precisa. Pero es de creerse que no hay para una nación nin-

fail, they shall submit to the final decision of an arbitrator."

Article I of the treaty of 1890 between Salvador and Colombia provides:

"The Republic of Salvador and the United States of Colombia contract the perpetual obligation of submitting to arbitration the controversies and difficulties of any kind which may arise between the two nations whenever a solution thereof may not be obtained through diplomatic channels."

Thus it can be affirmed, without any risk of inaccuracy, that the restriction of arbitration for reasons of independence, or honor, or of what is vaguely called superior interests, constitute on this continent a new reaction unknown for a long time in our international history. We do not think that such a reaction is worthy of being promoted by the American conference. It seems to us that it is the result of ideas and sentiments developed in feudal times, and that there is no reason why they should exist to-day. Honor, especially, does not now consist in the almost insane susceptibility of the Middle Ages. Honor in the modern State is based on living according to law, on contributing to civilization and the progress of humanity, in not imposing force, but in making use of it on behalf of justice, on respecting the treaties, when in possession of the material power to violate them.

The so-called "superior or vital interest" could certainly not be an object for precise definition. But it is to be believed that there is not for any nation any interest

gún interés superior al de la paz. Estos "intereses" y la invocación del honor nacional, no fueron motivo de limitaciones en los acuerdos de la Conferencia de Washington, en los que apenas se excluyó del arbitraje obligatorio las cuestiones que afectaran la independencia.

Nos explicamos bastante la amplitud sin taxativas de aquellos pactos americanos, y confirmamos complacidos la política de nuestro país al promover ó subscribir algunos de ellos, porque el arbitraje, como decía, en la Conferencia de La Haya, el Caballero Descamps, no es una abdicación inconsiderada de la soberanía, sino al contrario, un uso esclarecido de ella. No encontramos ninguna causa, ningún derecho, ningún interés, por grandes y nobles que se estimen, que no deban caer, si no hay otro recurso, bajo el fallo de un juez libre y lealmente designado por las partes interesadas. Entre este medio humanitario y razonable, y el de la guerra, incierto y terrible, no vacilamos en confiar al primero lo más caro para el país.

No obstante lo anterior, no estamos dispuestos á colocarnos fuera de la realidad, y nos hallamos bien apercibidos de que para hacer tratados en esta materia, es indispensable, por ahora, clasificar las cuestiones susceptibles de arbitraje obligatorio y las de arbitraje facultativo.

La clasificación, según las prácticas europeas, ha sido fijada en la Conferencia de la Haya. Se consideró allí que las causas de conflictos internacionales, aunque numerosas y variadas hasta el infinito, podían ser reducidas á dos grandes categorías: las demandas entre Estados por daños ó perjuicios; y las demandas entre Estados por causas de una naturaleza diferente. En lo que respecta á los conflictos

of greater importance than peace. These "interests" and the invocation of national honor were not a reason for limitation in the resolutions in the conference at Washington, in which only the questions affecting independence were excluded from compulsory arbitration.

We understand sufficiently the amplitude without restraint of those American agreements, and we are glad to confirm the policy of our country in promoting or subscribing some of them, because arbitration, as Chevalier Descamps said at The Hague conference, is not an inconsiderate abdication of sovereignty, but on the contrary a clear use thereof. We find no cause, no right, no interest, no matter how great and noble they may be considered, that should not come, if there be no other recourse, under the decision of a judge freely and faithfully designated by the parties interested. Between this humanitarian and reasonable method and that of war, uncertain and terrible, we do not hesitate to entrust the former with what is considered most precious for the country.

Notwithstanding the foregoing, we do not want to place ourselves outside of what is practicable, and we are well aware that, in order to execute treaties, it is now indispensable to classify the questions susceptible of compulsory arbitration and those of optional arbitration.

This classification, according to European practices has been determined by the Hague conference. It was there considered that the cases of international conflicts, though numerous and infinitely varied, could be resumed in two great categories: The demands between states for causes of a different nature. With regard to conflicts of the first category, the acceptance of compulsory arbitra-

de la primera categoría, la aplicación del arbitraje obligatorio se estimó posible y deseable. Los conflictos de este género, decía el proyecto ruso, se refieren á cuestiones de derecho, y no conciernen ni al honor nacional de los Estados, ni á los intereses vitales. Se estimó, asimismo, como susceptibles de admitir el arbitraje obligatorio:

1.—Las controversias relativas á los tratados celebrados para la protección internacional de las grandes arterias de la circulación universal, las convenciones postales, telegráficas, de ferrocarriles, las celebradas para la protección de los cables submarinos, los reglamentos destinados á prevenir las colisiones de buques en alta mar, las convenciones relativas á la navegación en los ríos internacionales y en los canales interoceánicos.

2.—Las cuestiones sobre los tratados celebrados para la protección internacional de intereses intelectuales y morales, sea de los Estados particularmente, sea en general de toda la comunidad internacional.

3.—La solución de los diferendos concernientes á la interpretación y aplicación de tratados sobre derecho internacional privado, civil y penal.

4.—Las contestaciones y desinteligencias sobre la interpretación de tratados de demarcación, en cuanto tengan un carácter técnico y no político.

Aunque no estamos enteramente conformes con esas ideas, ellas nos sirven para dejar establecido que se reconoce la necesidad y la posibilidad de especificar los conflictos sobre los cuales ha de recaer la obligación general del arbitraje. De otra manera resultaría ilusorio cualquier tratado, pues dentro de las excepciones genéricas relativas á la independencia, al honor nacional y á los intereses superiores, podrían caber, en momentos en

tion was considered possible and desirable. The conflicts of these kinds, the Russian project stated, referred to legal questions and do not concern either national honor of the states or vital interest. They were considered at the same time as susceptible of admitting compulsory arbitration:

1. Controversies relating to the treaties executed for the international protection of the great arteries of universal circulation, the postal, telegraphic, and railway conventions, the conventions agreed upon for the protection of submarine cables, the regulations destined to prevent collisions of vessels on the high seas, the conventions relative to navigation on international rivers and inter-oceanic canals.

2. Questions relating to treaties entered into for the international protection of moral and intellectual interests, whether of particular states or in general, of all the international community.

3. The solution of the differences relating to the interpretation and application of treaties on international law, private, civil, and penal.

4. The discussions and misunderstandings regarding the interpretation of boundary treaties, in so far as they have a technical and not a political character.

Although we are not entirely in accord with these ideas, they do not serve us to establish that the necessity and possibility of specifying the conflicts, which are generally subject to compulsory arbitration, be recognized. In any other manner all treaties would become illusory, because among the generic exceptions relating to independence, national honor, and superior interests, there might be included, in moments in which

que las pasiones de los pueblos se excitan, todas las disputas por inconexas que fueren con esos conceptos.

La extensión del arbitraje forzoso debe ser en América mayor que en Europa. No existen en nuestro Continente, por razones que todos saben, las dificultades políticas que la historia ha acumulado en el viejo mundo. No hay aquí ningún régimen de equilibrio internacional, ni ha habido tiempo de que nuestras nacionalidades organicen fuertes corrientes de exigencias ó aspiraciones incompatibles las unas con las otras. La historia secular europea, con su trama de guerras de hegemonía, de colonización, de desmembraciones territoriales recíprocas, originadas por la gran densidad de la población y por otras causas, he determinado intereses arrasgados que por mucho tiempo todavía se considerarán ligados á la vida misma de los Estados. Nada de esto ocurre en América. Nuestras repúblicas americanas ocupan un territorio que es tres veces mayor que el área de la Europa con una exígua población de ciento veinte millones de habitantes. Prácticamente, y tomando el promedio, vivimos en el desierto, y nuestros recursos fiscales, reducidos, como es natural, no nos inclinan razonablemente á las luchas de predominio que son siempre el fruto de un gran desenvolvimiento de población y de riqueza pública. Nuestras fronteras internacionales reposan en el principio del *uti possidetis* de 1810 incorporado al derecho americano, y falta solamente en muchos casos, ponerse de acuerdo acerca de la aplicación recta de ese principio, y trazar materialmente las líneas divisorias con arreglo á él.

Esto quiere decir que en materia de límites, no hay propiamente en América cuestiones políticas. Las

nations are excited by passion, all other disputes, although entirely disconnected with the reasons enumerated.

The extent of compulsory arbitration in America must be greater than in Europe. In our continent, for reasons known by all, the difficulties which history has accumulated in the Old World do not exist. There is no system of international balance of power, nor has there elapsed sufficient time for our nationalities to form strong sentiments of exigencies, or ambitions, mutually incompatible. The political history of Europe, with its chain of wars of predominance, colonization, mutual territorial dismemberments, caused by the great density of the population, and other causes, has established deeply rooted interests, which for a long time to come will be considered as intimately connected with the very life of the states. Nothing of this kind occurs in America. Our American Republics occupy a territory which is three times greater than the area of all Europe, with a small population of only 120,000,000 inhabitants. We live practically, if we speak in general, in a desert, and our fiscal resources, naturally limited, do not lead us toward struggles for predominance, which are always the result of the great development of population and of public wealth. Our international boundaries rest upon the principle of *uti possidetis* of 1810, incorporated in American law, and it is only necessary in many cases to arrive at an understanding regarding the just application of this principle and to effectively designate the dividing lines in accordance with the same.

This means, that in matters of boundaries, in America, really there exist no political questions.

controversias en esa esfera son de naturaleza técnica, y no existe ninguna que no pueda ser reducida á una fórmula de derecho. Esta es la razón por la cual las naciones de América han procurado entregar en todo tiempo á comisiones mixtas y á árbitros sus litigios sobre fronteras. Pueden recordarse sobre el particular muchos tratados de arbitraje el Ecuador y el Perú, entre el Ecuador y Colombia, entre el Perú y Colombia, entre el Perú y el Brasil, entre el Brasil y la Argentina, entre el Brasil y el Paraguay, entre la Argentina y Bolivia, entre la Argentina y Chile y entre Bolivia y el Perú. Cabe decir lo mismo de las Repúblicas Centro-Americanas.

Parece, por tanto, que no puede abrigarse duda alguna, de que todas las cuestiones de fronteras en América son susceptibles de arbitraje obligatorio y deben ser incluidas en el tratado permanente. Esas cuestiones son las que principalmente han originado de tiempo en tiempo desavenencias graves y algunas veces han producido luchas fratricidas. Ellas, además, comienzan á crear inquietudes y recelos de tal magnitud que no se ve lejos el día en que la paz armada arraigue en nuestro suelo y detenga la evolución de nuestros países.

En el citado tratado de La Haya se estableció que en las cuestiones de interpretación ó aplicación de las convenciones internacionales, el arbitraje es el medio más eficaz y al mismo tiempo más equitativo para resolver los conflictos. Esta declaración de las naciones reunidas en La Haya es el fruto de una práctica europea muy extensa. En 1873 Mancini presentó á la Cámara italiana una moción destinada á recomendar al ministro de relaciones exteriores la introducción en los tratados, de una cláusula que entregara á árbitros la resolución

Controversies in this respect are of a technical character, and there is not one which may not be reduced to a rule of law. This is the reason why the nations of America have at all times procured to submit their disputes over boundaries to mixed commissions or to arbitration. In this particular many treaties of arbitration may be cited: Between Ecuador and Peru, between Peru and Brazil, between Brazil and the Argentine Republic, between Brazil and Paraguay, between the Argentine Republic and Bolivia, between the Argentine Republic and Chile, and between Bolivia and Peru. The same may be said of the Central American Republics.

It appears, for that reason, that it can not be doubted that all the boundary questions of America are susceptible of compulsory arbitration and should be included in the permanent treaty. These questions, perhaps, are those which principally, from time to time, have originated serious disagreements, and on some occasions have caused fratricidal struggles. They have, besides, commenced to create unrest and animosities of such magnitude that the day does not appear distant in which an armed peace will be established in our territories, to the detriment of the evolution of our countries.

In the treaty of The Hague it is established that in all questions of interpretation or application of international conventions, arbitration is to be the most efficacious and at the same time the most equitable means of deciding conflicts. The declaration of the nations assembled at The Hague is the fruit of a very extensive practice in Europe. In 1872 Mancini presented in the Italian Parliament a motion intended to recommend to the secretary of foreign relations the introduction into the treaties of a clause which would

de las dificultades provenientes de la interpretación ó ejecución de los pactos. Esta moción dió lugar á que el gobierno italiano estipulara en todos sus tratados aquella cláusula compromisoria y á que se generalizara en Europa. En los tratados europeos se encuentra esa cláusula en asuntos de comercio y navegación, en los de servicio internacional de postas, en los de negocios consulares y aun en los relativos á la delimitación de territorios.

En este continente el uso de la cláusula compromisoria ha sido todavía más amplio. Podemos citar, por vía de ilustración, los siguientes tratados:

1. El de 26 de Abril de 1823 entre Chile y el Perú, dice lo que sigue: "Aunque los artículos de este tratado se han procurado concebir en términos claros y precisos, sin embargo, si contra lo que es de esperar, ocurriere alguna duda, las partes contratantes procurarán resolverla amigablemente, y en último caso, se someterán á la decisión del árbitro designado."

2. El tratado de 22 de Septiembre de 1829, entre Colombia y el Perú, establece: Que en caso de duda sobre la inteligencia de alguno ó algunos de los artículos del tratado, se someterán ambas partes contratantes á la decisión de un gobierno amigo.

3. El tratado de 8 de Noviembre de 1831 entre Bolivia y el Perú, aplica la cláusula compromisoria, no á la interpretación, sino á la observancia del pacto. Dice este tratado: Si por cualquiera de las partes contratantes se infringiere alguna ó algunas de las estipulaciones, ocurrirán á la potencia que las garantiza para que declare cuál de ellas ha recibido la injuria.

4. El tratado de 9 de Abril de 1857 entre Nueva Granada y Por-

make the decision of all difficulties arising from the interpretation or execution of the treaties the subject of arbitration. This motion was the reason for which the Italian Government stipulated that compulsory clause in all its treaties, and that it was generally accepted in Europe. In European treaties this clause is found in all matters relating to commerce and navigation, international postal service, consular affairs, and even relating to the definition of boundaries.

On this continent the use of the compulsory clause has even been more extensive. We can cite, by way of example, the following treaties:

1. The treaty of April 26, 1823, between Chile and Peru, states as follows: "Although it has been endeavored to express the articles of this treaty in clear and precise terms, nevertheless if, contrary to what may be expected, any doubt should arise, the contracting parties shall procure to decide it amicably, and, as a last resort, shall submit to the decision of the arbitrator mentioned."

2. The treaty of September 22, 1829, between Colombia and Peru, stipulates: "That in case of doubt over the proper interpretation of any of the articles of the treaty, both contracting parties shall submit to the decision of a friendly government."

3. The treaty of November 8, 1831, between Bolivia and Peru, applies the compulsory clause, not to the interpretation, but to the observance of the compact. The treaty says: If either of the contracting parties should violate one or some of the stipulations, they shall apply to the power which guarantees them, so that it may declare which one of them has suffered the injury.

4. The treaty of April 9, 1857, between New Granada and Portu-

tugal, contiene también una cláusula compromisoria respecto de la ejecución del pacto. Este tratado se refiere á las violaciones ó infracciones de alguno ó algunos de los artículos estipulados, las cuales deberán someterse á decisión arbitral.

Análogas estipulaciones, relativas ya á las desinteligencias sobre interpretación de cláusulas, ya á los conflictos sobre cumplimiento de obligaciones, se hallan:

5. En el tratado de 8 de Marzo de 1858 entre Nueva Granada y el Perú.

6. En el tratado de 6 de Agosto de 1874 entre Chile y Bolivia.

7. En el tratado de 8 de Abril de 1876 entre Italia y el Uruguay.

8. En el tratado de 8 de Mayo de 1876 entre El Salvador y Guatemala.

9. En el tratado de 9 de Julio de 1885 entre México, Suecia y Noruega.

10. En el tratado de 12 de Septiembre de 1885 entre Guatemala, Salvador y Honduras.

11. En el tratado de 22 de Mayo de 1888 entre el Ecuador y España.

12. En el tratado de 10 de Julio de 1888 entre México y el Ecuador.

13. En el tratado de 27 de Noviembre de 1888 entre México y la Gran Bretaña.

14. En el tratado de 28 de Abril de 1894 entre Colombia y España.

15. En el tratado de 23 de Abril de 1894 entre Ecuador y Colombia.

16. En el tratado de 17 de Febrero de 1872 entre las Repúblicas Centro-Americanas.

17. En el tratado de 18 de Junio de 1898 entre el Perú y España.

Este tratado, como algunos de los anteriores, contiene la cláusula compromisoria con carácter general, es decir, que conforme á él deberán someterse á arbitraje las

gal, also contains a compulsory clause with reference to the violations or infractions of any one, or some, of the articles stipulated, which shall be submitted to arbitral decision.

Analogous stipulations, relative to the misunderstandings regarding the interpretation of the clauses, as well as the disputes over the compliance with obligations, are to be found:

5. In the treaty of March 8, 1858, between New Granada and Peru.

6. In the treaty of August 6, 1874, between Chile and Bolivia.

7. In the treaty of April 8, 1876, between Italia and Uruguay.

8. In the treaty of May 8, 1876, between Salvador and Guatemala.

9. In the treaty of July 9, 1885, between Mexico and Sweden and Norway.

10. In the treaty of September 12, 1885, between Guatemala, Salvador, and Honduras.

11. In the treaty of May 22, 1888, between Ecuador and Spain.

12. In the treaty of July 10, 1888, between Mexico and Ecuador.

13. In the treaty of November 27, 1888, between Mexico and Great Britain.

14. In the treaty of April 28, 1894, between Colombia and Spain.

15. In the treaty of April 28, 1894, between Ecuador and Colombia.

16. In the treaty of February 17, 1872, between the Central American Republics.

17. In the treaty of June 18, 1898, between Peru and Spain.

This treaty, the same as the former ones, contains the compulsory clause in a general way, that is, that, according to it, difficulties originated or which may originate



dificultades nacidas ó por nacer de todos los tratados vigentes y aun de los que se celebren en el porvenir.

En la práctica europea, la cláusula compromisoria se refiere principalmente á la ejecución é interpretación de los tratados ó convenciones que no tienen carácter político, y, sobre todo, de los tratados conocidos bajo la denominación de uniones universales. Se hizo notar, por esto, en la conferencia de La Haya, que el primer ensayo de introducción del arbitraje obligatorio en la práctica internacional fué determinado precisamente por un tratado de carácter universal, ó sea el relativo á la unión postal de 1874.

En América no tenemos estrictamente tratados de naturaleza política; y será raro presentar ejemplos de ellos. Nuestros tratados se refieren á litigios de límites, á cuestiones de navegación fluvial, á posesión de territorios, á privilegios diplomáticos y consulares, y en general, á negocios del orden jurídico. En todos estos casos, por lo mismo, el arbitraje obligatorio debe actuar como una garantía tomada de antemano contra la exaltación de las pasiones populares y la debilidad de los gobiernos.

Un tratado de arbitraje avanzado no debería enumerar los casos en que es obligatorio someterse á la decisión arbitral, porque entonces todos los casos no enumerados quedarían fuera de la obligación del arbitraje: este viene, así, á ser la excepción y no la regla. Por el contrario, son los casos excluidos del arbitraje los que han de especificarse. Por esto, si se trata de hacer un pacto de independencia ó de honor nacional, lo correcto sería expresar taxativamente los conflictos en que aparecieren comprometidos uno ú otra; lo que tiene la ventaja de convertir el

from existing treaties, and even from those which may be concluded in future, shall be submitted to arbitration.

In the European practice, the compulsory clause refers principally to the execution or interpretation of treaties or conventions which have no political character, and above all, to the treaties known by the name of universal unions. It was observed for this reason, in the conference of The Hague, that the first attempt to introduce compulsory arbitration into international practice was made precisely in a treaty of a universal character, to wit, the one relating to the postal union of 1874.

In America, we have, strictly speaking, no treaties of a political character, and it would be difficult to cite an example. All our treaties refer to boundary disputes, to questions of river navigation, to occupation of territories, to diplomatic or consular privileges, and generally to affairs of a juridical nature. In all these cases, for the same reason, compulsory arbitration should serve as a guaranty, secured beforehand, against the exaltation of popular passions and the weakness of governments.

A treaty of arbitration, of an advanced character, should not enumerate the cases in which it is compulsory to submit to the decision of arbitration, because in such case, all the cases not enumerated would remain excluded from the obligation of arbitration. Thus, arbitration, would constitute the exception, and not the rule. On the contrary, the cases excluded from arbitration are those that should be specified. For this reason, whenever it is a question of concluding a compact of compulsory arbitration, restricted for reasons of independence or national

arbitraje obligatorio en un principio cuya generalidad queda limitada únicamente en aquellos eventos en que la mayor parte de los países cree que debe tener absoluta libertad de criterio y de acción.

De lo expuesto se deduce que la política tradicional del Perú, en todas las épocas de su vida independiente y con todos los Estados, cualquiera que fuera su poder relativo, ha sido en favor del arbitraje obligatorio, tan amplio como lo han admitido los otros países contratantes; que esa política está de acuerdo con los intereses verdaderos y permanentes de las Repúblicas de América; que si se establecen restricciones en esa clase de tratados, ellas deben ser enumeradas, subsistiendo la obligación de recurrir al arbitraje como regla general; y que en todo caso se han de poder solucionar por este medio pacífico todas las controversias referentes á límites y á la validez, interpretación ó cumplimiento de los tratados internacionales.

Precisada, empero, la delegación peruana, á armonizar con la mayoría de las delegaciones de las Repúblicas representadas en esta conferencia, á ceder en muchos puntos, el tratado de arbitraje obligatorio suscrito por diez delegaciones, significa para los infrascriptos una verdadera transacción.

MÉXICO, *Enero 22 de 1902.*—  
(Firmado) ISAAC ALZAMORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE.

honor, the proper thing to do is to specify the conflicts, in which one or the other of these reasons may be involved, and limiting such exceptions to these cases, which presents the advantage of converting compulsory arbitration into a principle, the generality of which is only limited by those cases, in which the majority of the countries think it necessary to have absolute liberty of judgment and of action.

From the arguments stated, it may be deducted that the traditional policy of Peru, during all the epochs of its independent existence, and with all countries regardless of their relative power, has been in favor of compulsory arbitration, in as ample a form as the other contracting countries were willing to admit; that this policy is in accord with the real and permanent interests of the republics of America; that if restrictions are to be admitted in this class of treaties, they should be specified, leaving in force the obligation to resort to arbitration as a general rule, and that in any case, all controversies relating to boundaries and the validity, interpretation of and compliance with international treaties, should be decided by this pacific mean.

The delegation of Peru, however, having been compelled to make concessions in many respects, in order to be in harmony with the majority of the delegations of the Republics represented in this conference, the treaty of compulsory arbitration, signed by ten delegations, signifies for the undersigned nothing more than a compromise.

MEXICO, *January 22, 1902.*—  
(Signed) ISAAC ALZAMORA, MANUEL ALVAREZ CALDERÓN, ALBERTO ELMORE.

## APPENDIX F.

*Treaty of Arbitration for Pecuniary Claims.*

Their excellencies the presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following delegates:

*For the Argentine Republic.*—Their excellencies Antonio Bermejo, Martín García Mérou, Lorenzo Anadón.

*For Bolivia.*—His excellency Fernando E. Guachalla.

*For Colombia.*—Their excellencies Carlos Martínez Silva, General Rafael Reyes.

*For Costa Rica.*—His excellency Joaquín Bernardo Calvo.

*For Chile.*—Their excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquín Walker Martínez, Augusto Matte.

*For the Dominican Republic.*—Their excellencies Federico Henríquez y Carvajal, Luis Felipe Carbo, Quintín Gutiérrez.

*For Ecuador.*—His excellency Luis Felipe Carbo.

*Tratado sobre Daños y Perjuicios*

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. Gral. D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*For El Salvador.*—Their excellencies Francisco A. Reyes, Baltasar Estupinián.

*For the United States of America.*—Their excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

*For Guatemala.*—Their excellencies Antonio Lazo Arriaga, Colonel Francisco Orla.

*For Haiti.*—His excellency J. N. Léger.

*For Honduras.*—Their excellencies José Leonard, Fausto Dávila.

*For Mexico.*—Their excellencies Genaro Raigosa, Joaquín D. Casasús, José López Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

*For Nicaragua.*—His excellency Luis F. Corea, his excellency Fausto Dávila.

*For Paraguay.*—His excellency Cecilio Baez.

*For Peru.*—Their excellencies Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

*For Uruguay.*—His excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by dip-

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinián.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sr. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haití.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López-Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Mármol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. Dr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar un tratado para someter á la decisión de árbitros las reclamaciones por daños y perjuicios pecuniarios que no ha-

lomatic channel, in the following terms:

ART. 1. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expenses of arbitration.

ART. 2. By virtue of the faculty recognized by Article 26 of the Convention of The Hague for the pacific settlement of international disputes, the High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to Article 21 of the Convention referred to.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

ART. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol unanimously adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

ART. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one

yan sido resueltas por la vía diplomática, en los términos siguientes:

ARTÍCULO 1º. Las altas partes contratantes se obligan á someter á arbitraje todas las reclamaciones por daños y perjuicios pecuniarios, que sean presentadas por sus ciudadanos respectivos y que no puedan resolverse amistosamente por la vía diplomática, siempre que dichas reclamaciones sean de suficiente importancia para ameritar los gastos del arbitraje.

ART. 2º. En virtud de la facultad que reconoce el artículo 26 de la convención de La Haya, para el arreglo pacífico de los conflictos internacionales, las altas partes contratantes convienen en someter á la decisión de la corte permanente de arbitraje, que dicha convención establece, todas las controversias que sean materia del presente tratado, á menos que ambas partes prefieran que se organice una jurisdicción especial, conforme al artículo 21 de la citada convención.

En caso de someterse á la corte permanente de La Haya, las altas partes contratantes aceptan los preceptos de la referida convención, en lo relativo á la organización del tribunal arbitral, respecto á los procedimientos á que éste haya de sujetarse y en cuanto á la obligación de cumplir el fallo.

ART. 3º. El presente tratado no será obligatorio sino para los Estados que hayan suscrito la convención para el arreglo pacífico de los conflictos internacionales, firmada en La Haya el 29 de julio de 1899, y para los que ratifiquen el protocolo unánimemente adoptado por las Repúblicas representadas en la Segunda Conferencia Internacional Americana, para la adhesión á las convenciones de la Haya.

ART. 4º. Siempre que por cualquier motivo no llegue á abrirse á alguna ó á algunas de las atlas

or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in article 1 of the present Treaty.

ART. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chili,

(Signed) AUGUSTO MATTE.

(Signed) JOAQUIN WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

partes contratantes la corte permanente de la Haya, se obligan á consignar en un tratado especial, las reglas conforme á las cuales se establecerá y funcionará el tribunal que haya de conocer de las cuestiones á que se refiere el artículo 1º. del presente Tratado.

ART. 5º. Este tratado será obligatorio para los Estados que lo ratifiquen, desde la fecha en que cinco gobiernossignatarios lo hayan ratificado, y estará en vigor durante cinco años. La ratificación de este tratado por los Estados que lo firmen, será transmitida al Gobierno de los Estados Unidos Mexicanos, el cual comunicará á los demás las notas de ratificación que reciba.

En fe de lo cual los plenipotenciarios y delegados firman el presente tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día treinta de Enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés, respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AUGUSTO MATTE.

(Firmado) JOAQUIN WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRÍQUEZ I CARVAJAL.

For Ecuador, (Signed) L. F. CARBO.	Por Ecuador, (Firmado) L. F. CARBO.
For El Salvador, (Signed) FRANCISCO A. REYES. (Signed) BALTAZAR ESTUPINIAN.	Por El Salvador, (Firmado) FRANCISCO A. REYES. (Firmado) BALTAZAR ESTUPINIAN.
For the United States of America, (Signed) W. I. BUCHANAN. (Signed) CHARLES M. PEPPER. (Signed) VOLNEY W. FOSTER.	Por los Estados Unidos de América, (Firmado) W. I. BUCHANAN. (Firmado) CHARLES M. PEPPER. (Firmado) VOLNEY W. FOSTER.
For Guatemala, (Signed) FRANCISCO ORLA.	Por Guatemala, (Firmado) FRANCISCO ORLA.
For Haiti, (Signed) J. N. LÉGER.	Por Haití, (Firmado) J. N. LÉGER.
For Honduras, (Signed) J. LEONARD. (Signed) F. DAVILA.	Por Honduras, (Firmado) J. LEONARD. (Firmado) F. DÁVILA.
For Mexico, (Signed) G. RAIGOSA. (Signed) JOAQUIN D. CASASÚS. (Signed) E. PARDO, Jr. (Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS. (Signed) PABLO MACEDO. (Signed) F. L. DE LA BARRA. (Signed) ALFREDO CHAVERO. (Signed) M. SANCHEZ MARMOL. (Signed) ROSENDO PINEDA.	Por México, (Firmado) G. RAIGOSA. (Firmado) JOAQUÍN D. CASASÚS. (Firmado) E. PARDO (jr.) (Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS. (Firmado) PABLO MACEDO. (Firmado) F. L. DE LA BARRA. (Firmado) ALFREDO CHAVERO. (Firmado) M. SÁNCHEZ MÁRMOL. (Firmado) ROSENDO PINEDA.
For Nicaragua, (Signed) F. DAVILA.	Por Nicaragua, (Firmado) F. DÁVILA.
For Paraguay, (Signed) CECILIO BAEZ.	Por Paraguay, (Firmado) CECILIO BAEZ.
For Peru, (Signed) MANUEL ALVAREZ CALDERON. (Signed) ALBERTO ELMORE.	Por Perú, (Firmado) MANUEL ALVAREZ CALDERÓN. (Firmado) ALBERTO ELMORE.
For Uruguay, (Signed) JUAN CUESTAS.	Por Uruguay, (Firmado) JUAN CUESTAS.

## APPENDIX G.

*Pan-American Railway Resolution.*      *Ferrocarril Pan-Americano resolución.*

The undersigned, delegates of the Republics represented at the Second International American

Los que subscriben, delegados de las Repúblicas representadas en la Segunda Conferencia Interna-

Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference,

Considering that the three corps of engineers employed by the former committee on intercontinental railway have made explorations from the northern limit of Guatemala to the northern limit of the Argentine Republic during the years 1893 and 1894, and have presented their report on the work, accompanied by the respective maps; and,

Considering that the said report shows that it is practicable to construct a railway which will traverse the Republics of the Continent from north to south; and that in case the railways in actual operation are utilized, the length of the lines to be constructed would be 5,456 miles, and the estimated cost of the entire work would be \$174,290,271 gold, or \$32,000 gold, per mile; and,

Considering that it is a well-known fact that railroads develop the natural resources, increase the commerce and wealth, and add to the general prosperity of the countries traversed by them; and,

Considering that international railways consolidate the friendly relations among States, unite them by common interest, and assure peace between them,

#### RESOLVES:

First. That it ratifies the resolution of the Washington Conference, which recommended the construction of the complementary lines of the international railway, which is to traverse the different Republics, uniting the railway systems of the United States with those of the Argentine Republic, and connecting the principal cities situated on the line of said railroad, as much as the common in-

tercontinental Americana, debidamente autorizados por sus Gobiernos, han aprobado la siguiente resolución:

La Segunda Conferencia Internacional Americana,

Considerando:

Que los tres cuerpos de ingenieros, empleados por la anterior Comisión del Ferrocarril Intercontinental, hicieron exploraciones desde el límite norte de Guatemala hasta el límite norte de la República Argentina, durante los años de 1893 y 1894, y presentaron su informe sobre la obra con los mapas respectivos;

Que este informe demuestra que es practicable completar la vía férrea que atravesase las Repúblicas del continente de Norte á Sur; y que, en caso de aprovecharse los ferrocarriles en actual explotación, la longitud de las líneas por construirse sería de 5,456 millas, y el presupuesto de la obra de \$174,290,271 oro ó sean 32,000 pesos oro por milla;

Que los ferrocarriles desarrollan los recursos naturales de los países que atraviesan, aumentan su comercio y riqueza y contribuyen eficazmente á la prosperidad general;

Que las vías férreas internacionales consolidan las relaciones de amistad entre los Estados, los ligan con intereses comunes y aseguran la paz entre ellos;

#### ACUERDA

I. Que se ratifique la resolución de la conferencia de Washington, que recomendó la construcción de las líneas complementarias del "Ferrocarril Intercontinental," pasando éste por las diferentes Repúblicas, uniendo los sistemas de los Estados Unidos con los de la Argentina y ligando, hasta donde lo permitan los intereses comunes, las principales ciudades situadas en el trayecto del ferrocarril; ó en



terests may permit, or, in case this should be impracticable, to construct branch lines to connect said cities with the main trunk line; and, finally, utilizing the lines already in operation, wherever such may be possible and compatible with the surveys and conditions of international railways.

Second. That the Republics interested in the execution of this work assist it in every way that may be in their power, and especially that they exempt the same from import duties on the materials necessary for the construction and operation of the railway, but with the necessary provisions to prevent abuses of such privilege; and that the real and personal properties of the enterprise be exempted from all national, State, provincial, and municipal taxes; exempting it from all custom-house and other duties on its traffic in transit through the different Republics; and that they assist the enterprise as much as possible by subsidies, grants of lands, or by the guaranteeing of a maximum interest on the capital invested in each country.

For that purpose it is hereby recommended that all persons who favor the construction of the said railway earnestly endeavor to procure from the respective governments the granting in favor of this enterprise of these or other liberal subsidies, such as may be found most convenient and feasible in each country.

Third. That the United States of America be invited to initiate with the representatives and diplomatic officers of the other Republics accredited in Washington the adoption of such measures as may be deemed best calculated to result in sending to the said Republics, within one year, competent and reliable persons, whose duty it shall be to accurately determine the resources of each country and

caso de que este último fuera inconveniente, trazando ramales que unan esas ciudades con la línea troncal; y en fin, utilizando las líneas en explotación hasta donde sea posible y compatible con el trazo y condiciones del "Ferrocarril Intercontinental."

II. Que se auxilie por las Repúblicas interesadas la ejecución de la obra por todos los medios que estén en su poder; y especialmente, que se exceptúen de los derechos de importación los materiales necesarios para la construcción y explotación del ferrocarril, con sujeción á los reglamentos convenientes para evitar abusos; y que se exonere de todo impuesto nacional, de Estado, provincial ó municipal, las propiedades y derechos reales ó personales de la empresa; eximiéndose de derechos de aduana y de otros impuestos el tráfico en tránsito por las diversas Repúblicas; y coadyuvándose á la obra, en cuanto sea posible, mediante subsidios, concesiones de terrenos ó garantía de un mínimo de interés sobre los capitales invertidos en cada país.

Con tal objeto se recomienda que todas las personas que favorezcan la construcción del ferrocarril, gestionen ante los respectivos Gobiernos, con toda eficacia, la concesión á la empresa de esos ú otros subsidios liberales, según lo que se considere más conveniente y factible para cada país.

III. Que se invite al Gobierno de los Estados Unidos de América, para que inicie cerca de los representantes diplomáticos de las demás Repúblicas acreditados en Washington, las medidas más apropiadas, que den por resultado el envío, dentro del término de un año, de personas caracterizadas y competentes á los diversos países de América, que fijen con certeza los recursos de cada país, la situa-

the location and condition of the railway lines now in operation, the existing condition of their commerce and the prospects for business for an intercontinental line, in case said line be constructed, and also to ascertain what concessions each of the respective Governments is willing to grant to the enterprise.

Fourth. That the president of the conference shall appoint a committee of five members, resident in the United States of America, which shall enter upon its functions after the adjournment of this conference, with power to increase the number of its members and to substitute them whenever necessary; to appoint such subcommittees as may be deemed proper, and to report to the next conference on the result of its labors; to furnish all possible information on the work of the intercontinental railway, and to aid and stimulate the successful execution of said project as much as possible, all of which, however, shall not prevent the members of the present committee from continuing their efforts to attain the same end; and, finally, that the commission, in accord with the Secretary of State of the United States of America, and with the ministers of the interested countries resident in Washington, may cause to be convoked, within the period of one year, an assembly composed of duly authorized representatives of all the Republics of this continent, for the purpose of perfecting a convention to arrange for the construction of the proposed intercontinental railway.

Made and signed at the city of Mexico, on the 21st day of the month of January, 1902, in three copies, written in the Spanish, English, and French languages, respectively, which shall be deposited in the department of foreign relations of the Government of the Mexican United States, so

ción y condiciones de los ferrocarriles hoy en explotación, el estado actual del comercio y las espectativas de tráfico para una línea intercontinental, en caso de que llegue á terminarse; y qué concesiones haría cada uno de los respectivos gobiernos á la empresa.

IV. Que el presidente de la conferencia nombre una comisión de cinco miembros residentes en los Estados Unidos de América, para que entre en ejercicio, después de clausurada la conferencia, con la facultad de aumentar el número de sus miembros ó reemplazarlos en caso necesario, nombrar las subcomisiones que estime convenientes, informar á la próxima conferencia sobre el resultado de sus labores, proporcionar cualquiera clase de informes sobre la obra del Ferrocarril Intercontinental, y ayudar y alentar, en cuanto sea posible, el feliz término de ella, sin perjuicio de que los demás miembros de la actual comisión sigan prestando sus servicios con igual propósito; y, finalmente, que la comisión, de acuerdo con el Secretario de los Estados Unidos de América, y con los ministros de los demás países interesados, residentes en Washington, procure que se convoque, dentro del término de un año, una reunión de representantes de todas las repúblicas del continente, debidamente autorizados, con el objeto de ajustar una convención, que provea á la construcción del proyectado Ferrocarril Intercontinental.

Hecho y firmado en la ciudad de México, el veintiuno de Enero de mil novecientos dos, en tres ejemplares escritos respectivamente en castellano, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin

that certified copies thereof may be made in order to transmit them, through the diplomatic channel, to each one of the signatory powers.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chili,

(Signed) AÚGUSTO MATTE.

(Signed) JOAQ. WALKER M.

(Signed) EMILIO BELLO C.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTASAR ESTUPINIAN.

For the United States of America,

(Signed) W. I. BUCHANAN.

(Signed) CHARLES M. PEPPER.

(Signed) VOLNEY W. FOSTER.

For Guatemala,

(Signed) FRANCISCO ORLA.

For Honduras,

(Signed) J. LEONARD.

(Signed) F. DAVILA.

For Mexico,

(Signed) G. RAIGOSA.

(Signed) JOAQUIN D. CASASÚS.

(Signed) E. PARDO, Jr.

(Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS.

(Signed) PABLO MACEDO.

(Signed) F. L. DE LA BARRA.

(Signed) ALFREDO CHAVERO.

(Signed) M. SANCHEZ MARMOL.

(Signed) ROSENDO PINEDA.

For Nicaragua,

(Signed) F. DAVILA.

For Paraguay,

(Signed) CECILIO BAEZ.

For Peru,

(Signed) MANUEL ALVAREZ CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,

(Signed) JUAN CUESTAS.

de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AÚGUSTO MATTE.

(Firmado) JOAQ. WALKER M.

(Firmado) EMILIO BELLO C.

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

(Firmado) BALTASAR ESTUPINIAN.

Por los Estados Unidos de América,

(Firmado) W. I. BUCHANAN.

(Firmado) CHARLES M. PEPPER.

(Firmado) VOLNEY W. FOSTER.

Por Guatemala,

(Firmado) FRANCISCO ORLA.

Por Honduras,

(Firmado) J. LEONARD.

(Firmado) F. DÁVILA.

Por México,

(Firmado) G. RAIGOSA.

(Firmado) JOAQUÍN D. CASASÚS.

(Firmado) E. PARDO (jr.).

(Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS.

(Firmado) PABLO MACEDO.

(Firmado) F. L. DE LA BARRA.

(Firmado) ALFREDO CHAVERO.

(Firmado) M. SÁNCHEZ MÁRMOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,

(Firmado) F. DÁVILA.

Por Paraguay,

(Firmado) CECILIO BAEZ.

Por Perú,

(Firmado) MANUEL ALVAREZ CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,

(Firmado) JUAN CUESTAS

## APPENDIX H.

*Customs congress resolution.*

The undersigned, delegates of the Republics represented at the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference

## RESOLVES:

First. That within one year from the date of the closing of the sessions of the American International Conference, there shall meet in the city of New York, United States of America, a customs congress, composed of one or more delegates, appointed by each Government from among its chief customs officers, consuls, presidents or members of their chambers of commerce, prominent merchants, or other persons known to possess technical and special knowledge in all customs matters.

The governing board of the International Bureau of American Republics shall fix the date for the assembling of the customs congress, which shall be organized as it may decide, with the assistance or cooperation of the officials of said international bureau, and its purpose and object shall be to decide and pass upon all propositions, which may be presented by the delegates or by the committees which may be appointed, in respect to the customs service of each country and the legitimate collection of its fiscal dues.

Second. The matters which the customs congress is to resolve upon are the following:

*Congreso Aduanero Resolución.*

Los que subscriben, delegados de las repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la siguiente resolución:

La Segunda Conferencia Internacional Americana

## RESUELVE:

1. Que dentro de un año, contado desde la clausura de las sesiones de la Conferencia Internacional Americana, se reuna en la Ciudad de Nueva York, Estados Unidos de América, un congreso aduanero compuesto de uno ó más delegados nombrados por cada gobierno entre sus directores ó jefes de aduanas, cónsules, presidentes ó individuos de cámaras de comercio, comerciantes notables ú otras personas á quienes se juzgue dotadas de conocimientos técnicos ó periciales en materia de aduanas.

El consejo directivo de la Oficina Internacional de las Repúblicas Americanas fijará la fecha en que haya de reunirse el congreso aduanero, el cual se organizará como él mismo lo decida, con el auxilio ó asistencia de los empleados de dicha Oficina Internacional, y tendrá por objeto resolver sobre las proposiciones que se le presenten por los delegados ó por las comisiones que se nombren, respetando el sistema aduanero de cada país y la legítima percepción de sus derechos fiscales.

II. Las materias sobre que han de versar las resoluciones del congreso aduanero son las siguientes:

A. The uniformity of regulations for the entry, dispatch, and clearance of the vessels engaged in international commerce.

B. The uniformity and simplification of customs formalities with regard to the manifests of vessels, wording of the same, and facts to be contained in the consular invoices and declarations to the custom-houses.

C. The simplification and uniformity of custom-house formalities in the clearance of merchandise and baggage.

D. Adequate means for establishing a common nomenclature of products and merchandise of the American Republics in English, Spanish, Portuguese, and French.

First. In order that it may become the basis for the statistical data of imports and exports in conformity with uniform models and without interfering with the regulations which each country may have adopted for its own statistics; and

Second. In order that with greater details and specifications it may be adopted in the tariff schedules and in the other customs laws of said countries, and that it may become the basis for the collection of the dues which each one of them may have established.

E. Adoption of a simple and uniform system for declarations and the custom-house dispatch of samples and merchandise forwarded in postal packages or parcels.

F. To simplify and make uniform the custom-house formalities, to which shall be subjected all merchandise or goods crossing only the territory of one country and destined for use or consumption in another or others, thus respecting the principle of free commercial transit on terrestrial or fluvial highways of the nations of America, without collecting duties or

A. Uniformidad de las reglas para dar entrada, despacho y salida á los buques que hagan el comercio internacional.

B. Uniformidad y simplificación de las formalidades aduaneras referentes á manifiestos de buques, redacción y datos de facturas consulares y declaraciones á las aduanas.

C. Simplificación y uniformidad de las formalidades aduaneras para el despacho de mercancías y equipajes.

D. Medios adecuados para establecer una nomenclatura común de productos y mercancías de las repúblicas de América, en castellano, inglés, portugués y francés:

1º. Para que sirva de base á la estadística de importación y exportación, de conformidad con un modelo uniforme y sin perjuicio de las reglas que cada Nación tenga adoptadas para su estadística particular; y

2º. Para que, con mas amplios detalles y especificaciones, sea adoptada en los aranceles ó tarifas y en las demás leyes aduaneras de dichas repúblicas, y sirva de base á la percepción de los impuestos que cada una de ellas tenga establecidos.

E. Adopción de un sistema uniforme y sencillo para las declaraciones y el despacho aduanero de las muestras y mercancías que circulen en bultos ó paquetes postales.

F. Simplificación y uniformidad de las formalidades aduaneras á que hayan de sujetarse las mercancías que atraviesen simplemente el territorio de una nación, con destino al consumo de otra ú otras, respetando el principio del libre tránsito mercantil por las vías terrestres ó fluviales de las naciones de América, sin cobro de otros derechos ó impuestos que no

charges other than those which may represent the just compensation for services rendered.

G. The advisability of determining definite periods for the assembling of future customs congresses.

H. To deal with any other matters germane to those herein mentioned, or which may be considered in a general way by the customs congress, as useful or proper to aid in the development of mercantile traffic.

I. The organization of a permanent customs commission, composed of individuals possessing technical and expert knowledge, and which, as a branch of the International Bureau of American Republics, or in any other form which the said congress may deem proper, shall be charged principally with the execution of the resolutions which it may have adopted, with the comparison and study of custom and tariff laws of the nations of America, in order to suggest to the respective Governments, the promulgation of laws and measures which, with regard to custom-house formalities, may tend to simplify and to facilitate mercantile traffic.

Third. That in order to render useful and complete the study at the hands of the customs congress of the question referred to in Paragraph D of the preceding resolution, each one of the Governments of the American Republics shall cause to be studied, by the chief administrative officials of custom-houses, the nomenclature or vocabulary formed by the international bureau of said Republics, and that the Governments shall send as rapidly as possible to the governing board of said bureau their remarks or the corrections which they may have thought proper to suggest in the said vocabulary.

Said international bureau shall present to the customs congress,

sean justa compensación de servicios efectivos.

G. Conveniencia de establecer la periodicidad en la reunión de futuros congresos aduaneros.

H. Cualesquiera otros asuntos conexos con los que quedan indicados, ó que en general se consideren por el congreso aduanero útiles ó convenientes para favorecer ó desarrollar el tráfico mercantil.

I. Organización de una comisión permanente de aduanas, compuesta de personas dotadas de conocimientos técnicos ó periciales, y que, como una dependencia de la Oficina Internacional de las Repúblicas Americanas, ó en otra forma que el congreso mismo juzgue adecuada, se encargue, principalmente, de la ejecución de los acuerdos ó resoluciones que éste hubiere tomado, y de la comparación y estudio de las leyes arancelarias y tarifas de las naciones de América, con el fin de iniciar ante sus gobiernos la expedición de las leyes y medidas que, en materia de formalidades de aduana, tiendan á simplificarlas y á facilitar el tráfico mercantil.

III. Que á fin de hacer provechoso y completo el estudio por el congreso aduanero de la cuestión á que se refiere el inciso D de la precedente resolución, cada uno de los gobiernos de las repúblicas de América haga estudiar por su dirección ó administración superior de Aduanas, la nomenclatura ó vocabulario formado por la Oficina Internacional de dichas Repúblicas, y remita á la mayor brevedad posible al consejo directivo de la expresada oficina las observaciones ó correcciones al vocabulario que tuviere por conveniente sugerir.

Dicha oficina internacional presentará al congreso aduanero, en

in the simplest and most complete form possible, the suggestions made by the Governments, and in addition, a French translation of the nomenclature already published.

Fourth. The ratification of the present resolution by the Governments of the American Republics, which may think proper to take such action, shall be communicated to the governing board of the international bureau of said Republics within six months from the closing of the conference.

Made and signed at the City of Mexico, on the 22d day of the month of January, 1902, in three copies, written in the Spanish, English, and French languages, respectively, which shall be deposited in the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to transmit them, through the diplomatic channel, to each one of the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chile,

(Signed) AUGUSTO MATTE.

(Signed) JOAQUIN WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

(Signed) L. F. CARBO.

(Signed) QUINTIN GUTIERREZ.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTASAR ESTUPINIAN.

la forma más concreta y sencilla que fuere posible, las observaciones de los gobiernos que las hubieren hecho, y además, una traducción al francés de la nomenclatura ya publicada.

IV. La ratificación de la presente resolución por parte de los gobiernos de las repúblicas americanas que tengan á bien otorgarla, será comunicada al Consejo Directivo de la Oficina Internacional de dichas repúblicas, antes de seis meses contados desde la fecha de la clausura de esta conferencia.

Hecho y firmado en la Ciudad de México, á los vientidós días del mes de Enero de mil novecientos dos, en tres ejemplares escritos respectivamente en castellano, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AUGUSTO MATEE.

(Firmado) JOAQUIN WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRÍQUEZ I CARVAJAL.

(Firmado) L. F. CARBO.

(Firmado) QUINTIN G

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

(Firmado) BALTASAR ESTUPINIAN.

For the United States of America,  
 (Signed) W. I. BUCHANAN.  
 (Signed) CHARLES M. PEPPER.  
 (Signed) VOLNEY W. FOSTER.

For Guatemala,  
 (Signed) FRANCISCO ORLA.

For Haiti,  
 (Signed) J. N. LÉGER.

For Honduras,  
 (Signed) J. LEONARD.  
 (Signed) F. DÁVILA.

For Mexico,  
 (Signed) G. RAIGOSA.  
 (Signed) JOAQUIN D. CASASÚS.  
 (Signed) E. PARDO, Jr.  
 (Signed) JOSÉ LOPEZ PORTILLO  
 Y ROJAS.  
 (Signed) PABLO MACEDO.  
 (Signed) F. L. DE LA BARRA.  
 (Signed) ALFREDO CHAVERO.  
 (Signed) M. SANCHEZ MARMOL.  
 (Signed) ROSENDO PINEDA.

For Nicaragua,  
 (Signed) F. DÁVILA.

For Paraguay,  
 (Signed) CECILIO BAEZ.

For Peru,  
 (Signed) MANUEL ALVAREZ  
 CALDERON.  
 (Signed) ALBERTO ELMORE.

For Uruguay,  
 (Signed) JUAN CUESTAS.

Por los Estados Unidos de América,  
 (Firmado) W. I. BUCHANAN.  
 (Firmado) CHARLES M. PEPPER.  
 (Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
 (Firmado) FRANCISCO ORLA.

Por Haití,  
 (Firmado) J. N. LÉGER.

Por Honduras,  
 (Firmado) J. LEONARD.  
 (Firmado) F. DÁVILA.

Por México,  
 (Firmado) G. RAIGOSA.  
 (Firmado) JOAQUÍN D. CASASÚS.  
 (Firmado) E. PARDO (jr.).  
 (Firmado) JOSÉ LÓPEZ - POR-  
 TILLO Y ROJAS.  
 (Firmado) PABLO MACEDO.  
 (Firmado) F. L. DE LA BARRA.  
 (Firmado) ALFREDO CHAVERO.  
 (Firmado) M. SÁNCHEZ MÁR-  
 MOL.  
 (Firmado) ROSENDO PINEDA.

Por Nicaragua,  
 (Firmado) F. DÁVILA.

Por Paraguay,  
 (Firmado) CECILIO BAEZ.

Por Perú,  
 (Firmado) MANUEL ALVAREZ  
 CADERÓN.  
 (Firmado) ALBERTO ELMORE.

Por Uruguay,  
 (Firmado) JUAN CUESTAS.

## APPENDIX I.

### RESOLUTION.

*Measures tending to facilitate  
 international commerce.*

The undersigned delegates of the Republics represented in the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference resolves:

The customs congress, which is

### RESOLUCIÓN

*Medidas para facilitar el Comercio  
 Internacional.*

Los que subscriben, delegados de las repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la resolución siguiente:

La Segunda Conferencia Internacional Americana resuelve:

El congreso aduanero que habrá



to meet in New York, United States of America, in accordance with the resolutions of this conference, adopted in its session of the 27th of December, 1901, in the course of its labors shall investigate the following subjects:

A. The simplification of charges collected from merchant vessels, limiting them to that of tonnage only, which shall be collected in an equitable manner from the vessels which may bring cargo, and from those in ballast.

B. Uniformity in the collection of the charges to which the foregoing article refers, taking as a basis the gross tonnage of the vessels.

C. The advisability that all the Governments of the Republics of America should enact laws, ordinances, or port regulations facilitating the entry and clearance of vessels with the greatest possible dispatch.

D. Measures tending to facilitate the loading and unloading of vessels.

E. Adoption of a maritime and administrative nomenclature for the custom-houses, in which all articles upon which duties are charged at present, or upon which they may be charged in the future, shall be enumerated in alphabetical order, and in equivalent terms, in English, Spanish, Portuguese, and French, in order that this nomenclature may be used in manifests, consular invoices, entries, permits, and other custom-house documents.

The customs congress shall submit the result of its labors relating to the subjects mentioned in this report to the Republics of America.

Made and signed in the City of Mexico on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the department of foreign relations of the Govern-

de reunirse en Nueva York, Estados Unidos de América, según lo acordado por la conferencia en la sesión del 27 de diciembre de 1901, tomará en consideración en el desempeño de su encargo, los siguientes puntos:

A. Simplificación de todos los derechos impuestos á los buques mercantes, reduciéndolos únicamente al de tonelaje, que se cobrará de manera equitativa á los buques con cargamento y á los que solamente lleven lastre.

B. Uniformidad para el cobro del impuesto á que se refiere el punto anterior, tomando como base tonelaje bruto de los buques.

C. Conveniencia de que todos los gobiernos de las repúblicas de América dicten leyes, ordenanzas ó reglamentos de puertos, conducentes á que los buques que entren ó salgan de ellos, lo hagan con la mayor prontitud posible.

D. Medidas conducentes á facilitar la carga y descarga de los buques.

E. Adopción de una nomenclatura marítima y administrativa para las aduanas, en la cual se especificarán, por orden alfabético y en términos equivalentes, en español, inglés, portugués y francés, todos los artículos sobre los cuales se hubieren impuesto derechos, para que de esta nomenclatura se haga uso en los manifiestos, facturas consulares, asientos, permisos y demás documentos aduanales.

El congreso aduanero someterá á las repúblicas de América el resultado de sus trabajos, en relación con los puntos contenidos en este dictamen.

Hecho y firmado en la ciudad de México, á los veintinueve días del mes de Enero de mil novecientos dos, en tres ejemplares, escritos respectivamente en español, francés é inglés, los cuales se depositarán en la Secretaría de Re-

ment of the United States of Mexico, in order that certified copies thereof be made, to be forwarded through diplomatic agency to each one of the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.  
(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chile,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQUIN WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I CARVAJAL.

(Signed) L. F. CARBO.  
(Signed) QUINTIN GUTIÉRREZ.

For Ecuador,  
(Signed) L. F. CARBO.

For El Salvador,  
(Signed) FRANCISCO A. REYES.  
(Signed) BALTAZAR ESTUPINIAN.

For the United States of America,  
(Signed) W. I. BUCHANAN.  
(Signed) CHARLES M. PEPPER.  
(Signed) VOLNEY W. FOSTER.

For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti (Under reservation of paragraphs A and B),  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.

(Signed) F. DAVILA.

For Mexico,  
(Signed) G. RAIGOSA.  
(Signed) JOAQUIN D. CASASÚS.  
(Signed) E. PARDO, jr.  
(Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS.

(Signed) PABLO MACEDO.  
(Signed) F. L. DE LA BARRA.  
(Signed) ALFREDO CHAVERO.  
(Signed) M. SANCHEZ MARMOL.  
(Signed) ROSENDO PINEDA.

laciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas, para enviarlas por la vía diplomática á cada uno de los estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.  
(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chilé,  
(Firmado) AUGUSTO MATTE.  
(Firmado) JOAQUIN WALKER M.  
(Firmado) EMILIO BELLO C.

Por la República Dominicana,  
(Firmado) FED. HENÍQUEZ I CARVAJAL.

(Firmado) L. F. CARBO.  
(Firmado) QUINTIN GUTIÉRREZ.

Por Ecuador,  
(Firmado) L. F. CARBO.

Por El Salvador,  
(Firmado) FRANCISCO A. REYES.  
(Firmado) BALTAZAR ESTUPINIAN.

Por los Estados Unidos de América,  
(Firmado) W. I. BUCHANAN.  
(Firmado) CHARLES M. PEPPER.  
(Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
(Firmado) FRANCISCO ORLA.

Por Haití (Bajo reserva de los párrafos A. y B.),  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.

(Firmado) F. DÁVILA.

Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO (jr.).  
(Firmado) JOSÉ LÓPEZ PORTILLO Y ROJAS.

(Firmado) PABLO MACEDO.  
(Firmado) F. L. DE LA BARRA.  
(Firmado) ALFREDO CHAVERO.  
(Firmado) M. SÁNCHEZ MÁRMOL.  
(Firmado) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. DAVILA.

For Paraguay,  
(Signed) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ  
CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,  
(Signed) JUAN CUESTAS.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILIO BAEZ.

Por Perú,  
(Firmado) MANUEL ALVAREZ  
CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,  
(Firmado) JUAN CUETSAS.

## APPENDIX J.

### *Resolution concerning international sanitary police.*

The undersigned, delegates of the Republics represented in the second international American conference, duly authorized by their Governments, have approved the following resolution:

The second international American conference recommends:

The early adoption by the Republics represented therein of the following resolutions:

First. That all measures relating to the subjects of international quarantine, the prevention of the introduction of contagious diseases into a country, and the establishment and control of maritime and of international land detention, or health stations, shall be wholly within the control of the national Governments.

Second. That there shall be established in the ports of each country two kinds of detention—(a) that for inspection or observation, and (b) that for disinfection.

Third. That prohibitive quarantine on manufactures and merchandise shall be abolished and that merchandise proceeding from non-infected ports or places, and which passes through infected territory without being detained therein be-

### *Resolución.—Policía sanitaria.*

Los que subscriben, delegados de las repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la resolución siguiente:

La Segunda Conferencia Internacional Americana recomienda encarecidamente la pronta adopción por las repúblicas representadas en ella, de las resoluciones siguientes:

I. Que todas las medidas sobre asuntos relacionados con la policía sanitaria internacional, las destinadas á evitar la invasión de enfermedades contagiosas en un país y el establecimiento y vigilancia de las detenciones marítimas y terrestres internacionales, ó sea de las estaciones de salubridad, queden por completo bajo la dependencia de los gobiernos nacionales.

II. Que se establezcan en los puertos de cada país dos clases de detención: A, la de inspección y observación, y B, la de desinfección.

III. Que se suprima la cuarentena prohibitiva respecto á los artículos manufacturados y demás mercancías; que las mercancías procedentes de puertos ó lugares limpios y que hayan atravesado un territorio infestado, sin haberse

yond the necessary time of transit, shall not be subject to detention or other sanitary measures beyond that of the inspection which may be considered necessary at its destination, and that such inspection and delay shall not exceed the time absolutely necessary therefor. Further, that this same regulation shall apply equally to international communication by railway, provided that live stock, hides, rags, and immigrants' effects be excepted from the above provisions.

Fourth. That the Governments represented in this conference shall cooperate with each other, and lend every possible aid to the municipal, provincial, and local authorities, within their respective limits, toward securing and maintaining efficient and modern sanitary conditions in all their respective ports and territories, to the end that quarantine restrictions may be reduced to a minimum, and finally abolished. Further, that each and all of their respective health organizations shall be instructed to notify promptly the diplomatic or consular representatives of the Republics represented in this conference, stationed within their respective territories, of the existence or progress, within their several respective territories, of any of the following diseases: Cholera, yellow fever, bubonic plague, smallpox, and of any other serious pestilential outbreak. And that it shall be made the duty of the sanitary authorities in each port, prior to the sailing of a vessel, to note on the vessel's bill of health the transmissible diseases which may exist in such port at that time.

Fifth. The second international conference of the American States further recommends, in the inter-

detenido en él más del tiempo necesario para el tránsito, no estén sujetas á detención ni otra precaución sanitaria, excepto la inspección indispensable en el lugar de su destino, y que dicha inspección y la demora que ella implique, no excedan del tiempo absolutamente necesario al efecto, aplicándose la misma regla á las comunicaciones internacionales por ferrocarril, exceptuándose únicamente de las disposiciones anteriores, el ganado, las pieles crudas, los trapos y los efectos pertenecientes á los inmigrantes.

IV. Que los gobiernos representados en esta conferencia se presten mutua cooperación, impariendiendo, hasta donde sea posible, su ayuda á las autoridades municipales, provinciales y locales establecidas en sus respectivos territorios, á fin de conseguir el establecimiento y la conservación de condiciones sanitarias adecuadas, según los modernos adelantos, en sus respectivos puertos y dependencias, para reducir, tanto cuanto sea factible, las restricciones inherentes á la cuarentena, hasta lograr su completa supresión. Que, además, se ordene á todas y cada una de sus respectivas instituciones de salubridad, que á la mayor brevedad comuniquen á los representantes diplomáticos ó consulares de las repúblicas representadas en esta conferencia, la existencia de las siguientes enfermedades: cólera, fiebre amarilla, peste bubónica, viruela y cualquiera otra epidemia de carácter grave, imponiéndose á las autoridades sanitarias de cada uno de los puertos, la obligación de hacer constar en la patente de sanidad de los buques, antes de que éstos partan, las enfermedades contagiosas existentes á la sazón en dichos puertos.

V. La Segunda Conferencia Internacional Americana recomienda igualmente, en beneficio de todas

est of the mutual benefit that would be derived therefrom by each of the American Republics, and that they may more readily and effectively cooperate one with the other in all matters appertaining to the subjects mentioned in the above resolutions, that a general convention of representatives of the health organizations of the different American Republics shall be called by the governing board of the International Union of American Republics to meet at Washington, D. C., within one year from the date of the adoption of these resolutions by this conference; that each Government represented in this conference shall designate one or more delegates to attend such convention; that authority shall be conferred by each Government upon its delegates to enable them to join delegates from the other Republics in the conclusion of such sanitary agreements and regulations as in the judgment of said convention may be in the best interests of all the Republics represented therein; that voting in said convention shall be by Republics, each Republic represented therein to have one vote; that said convention shall provide for the holding of subsequent sanitary conventions at such regular times and at such places as may be deemed best by the convention; and that it shall designate a permanent executive board of not less than 5 members, who shall hold office until the next subsequent convention, at which time the board shall be appointed with a chairman to be elected by ballot by the convention; the said executive board to be known as the "international sanitary bureau," with permanent headquarters at Washington, D. C.

Sixth. That, in order that the international sanitary bureau thus provided for may render effective service to the different Republics represented in the convention, the

las repúblicas americanas, y á fin de que éstas cooperen pronta y eficazmente en todo lo relativo á las materias mencionadas en las anteriores resoluciones; que se convoque por el consejo directivo de la unión de dichas repúblicas, la reunión en Washington, D. C., de una convención general de representantes de las oficinas de salubridad de dichas repúblicas, dentro de un año contado desde la fecha en que la conferencia adopte estas resoluciones; que cada uno de los gobiernos representados en esta conferencia designe uno ó más delegados para que asistan á dicha convención, confiriéndoles las facultades necesarias, á fin de que, en unión de los delegados de las demás repúblicas, celebren los convenios sanitarios y formulen los reglamentos que á juicio de la misma convención fueren más benéficos á los intereses de todos los países que en ella estén representados; que los votos en dicha convención sean computados por repúblicas, teniendo cada una de ellas un voto; que la convención adopte las medidas más convenientes con el objeto de que, en lo sucesivo, se reúnan otras convenciones sanitarias, en las fechas y en los lugares que se juzgue más adecuados; y por último, que nombre un consejo ejecutivo de cinco miembros, por lo menos, que funcione hasta que se congrege la siguiente convención, renovándose, entonces, el personal del consejo con un presidente que será electo en escrutinio secreto por la misma convención. Dicho consejo se denominará "Oficina Sanitaria Internacional," y residirá en Washington, D. C.

VI. Que con el objeto de que la oficina sanitaria internacional esté en aptitud de prestar servicios positivos á las diferentes repúblicas representadas en la conven-

said Republics shall promptly and regularly transmit to said bureau all data of every character relative to the sanitary condition of their respective ports and territories and furnish said bureau every opportunity and aid for a thorough and careful study and investigation of any outbreaks of pestilential diseases which may occur within the territory of any of the said Republics, to the end that said bureau may by those means be enabled to lend its best aid and experience toward the widest possible protection of the public health of each of the said Republics, and that commerce between said Republics may be facilitated.

Seventh. That the salaries and expenses of the delegates to the convention and of the members of the international sanitary bureau herein referred to and recommended, shall be paid by their respective Governments, but that the office expenses of special investigations it may make, together with those for the translation, publication and distribution of reports, shall be paid from a special fund to be created by annual appropriations by the Republics represented in such conventions, on the same basis now in force between the American Republics for the maintenance of the Bureau of American Republics. Further, that in the interest of economy, the said Bureau of American Republics shall be utilized by the conventions herein referred to, and by the international sanitary bureau herein recommended to the fullest extent possible, for the correspondence, accounting, disbursing, and preservation of the records incident to the work comprised within these resolutions.

ción, ellas transmitan pronta y regularmente á dicha oficina, todos los datos, sean de la especie que fueren, relativos á las condiciones sanitarias de sus respectivos puertos y territorios, y le suministren todos los medios y auxilios á su alcance para el estudio é investigación completos y cuidadosos de las enfermedades epidémicas que aparezcan en el territorio de cualquiera de las referidas repúblicas, á fin de que dicha oficina, con esos medios, coopere con su experiencia á la protección, tan amplia cuanto fuere posible, de la salubridad de aquellas repúblicas, facilitando así las relaciones comerciales entre ellas existentes.

VII. Que los sueldos y gastos de los delegados á la convención y los de los miembros de la oficina sanitaria internacional, así como los gastos de la convención y oficina referidas, sean pagados por los gobiernos respectivos, cubriéndose los gastos de oficio de la oficina sanitaria internacional, cuyo establecimiento se recomienda, así como los que se erogaren en las investigaciones especiales que ella emprendiere y los que demanden la traducción, publicación y distribución de informes, con los recursos de un fondo apropiado que se formará con las asignaciones anuales de las repúblicas representadas en las aludidas convenciones, adoptando como base para calcular la proporción correspondiente á cada una, la que actualmente sirve para el sostenimiento de la Oficina Internacional de las Repúblicas Americanas. Se recomienda, en fin, que, en gracia de la economía, esa misma oficina sea utilizada por las convenciones referidas y por la oficina sanitaria internacional, para llevar la correspondencia y la contabilidad, hacer los pagos y conservar los informes provocados por las labores á que se refieren las presentes recomendaciones.

Made and signed in the City of Mexico on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the department of foreign relations of the Government of the United States of Mexico, in order that certified copies thereof be made to transmit them through diplomatic channels to each one of the signatory States.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chili,

(Signed) AUGUSTO MATTE.

(Signed) JOAQ. WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

(Signed) L. F. CARBO.

(Signed) QUINTÍN GUTIÉRREZ.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTASAR ESTUPINIAN.

For the United States of America,

(Signed) W. I. BUCHANAN.

(Signed) CHARLES M. PEPPER.

(Signed) VOLNEY W. FOSTER.

For Guatemala,

(Signed) FRANCISCO ORLA.

For Haiti,

(Signed) J. N. LÉGER.

For Honduras,

(Signed) J. LEONARD.

(Signed) F. DÁVILA.

For Mexico,

(Signed) G. RAIGOSA.

(Signed) JOAQUÍN D. CASASÚS.

(Signed) E. PARDO, Jr.

(Signed) JOSÉ LOPEZ POTILLO Y ROJAS.

(Signed) PABLO MACEDO.

Hecho y firmado en la Ciudad de México, á los veintinueve días del mes de Enero de mil novecientos dos, en tres ejemplares escritos, respectivamente, en español, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AUGUSTO MATTE.

(Firmado) JOAQ. WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRÍQUEZ I CARVAJAL.

(Firmado) L. F. CARBO.

(Firmado) QUINTÍN GUTIÉRREZ.

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

(Firmado) BALTASAR ESTUPINIAN.

Por los Estados Unidos de América,

(Firmado) W. I. BUCHANAN.

(Firmado) CHARLES M. PEPPER.

(Firmado) VOLNEY W. FOSTER.

Por Guatemala,

(Firmado) FRANCISCO ORLA.

Por Haití,

(Firmado) J. N. LÉGER.

Por Honduras,

(Firmado) J. LEONARD.

(Firmado) F. DÁVILA.

Por México,

(Firmado) G. RAIGOSA.

(Firmado) JOAQUÍN D. CASASÚS.

(Firmado) E. PARDO (jr.)

(Firmado) JOSÉ LÓPEZ-POTILLO Y ROJAS.

(Firmado) PABLO MACEDO.

For Mexico—Continued.

(Signed) F. L. DE LA BARRA.

(Signed) ALFREDO CHAVERO.

(Signed) M. SANCHEZ MARMOL.

(Signed) ROSENDO PINEDO.

For Nicaragua,

(Signed) F. DÁVILA.

For Peru,

(Signed) MANUEL ALVAREZ  
CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,

(Signed) JUAN CUESTAS

Por México—Continuá.

(Firmado) F. L. DE LA BARRA.

(Firmado) ALFREDO CHAVERO.

(Firmado) M. SANCHEZ MÁR-  
MOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,

(Firmado) F. DÁVILA.

Por Perú,

(Firmado) MANUEL ALVAREZ  
CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,

(Firmado) JUAN CUESTAS.

## APPENDIX K.

### *Resolution.*

REORGANIZATION OF THE INTERNATIONAL BUREAU OF THE AMERICAN REPUBLICS.

The undersigned, delegates of the Republics represented in the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference resolves:

ARTICLE 1. The International Bureau of the American Republics shall be under the management of a governing board, which shall consist of the Secretary of State of the United States of America, who shall be its chairman, and the diplomatic representatives of all the Governments represented in the bureau and accredited to the Government of the United States of America. The governing board shall hold regular meetings once every month, excepting in June, July, and August, and such special meetings as may be called by the chairman, or on request of two members of the governing board; and the presence of five at any regular or special meetings shall be

REORGANIZACIÓN DE LA OFICINA INTERNACIONAL DE LAS REPÚBLICAS AMERICANAS.

Los que suscriben, delegados de las Repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la resolución siguiente:

La Segunda Conferencia Internacional Americana resuelve:

ARTÍCULO 1°. La Oficina Internacional de las Repúblicas Americanas estará bajo la dirección de un consejo directivo constituido por los representantes diplomáticos de todos los gobiernos de dichas repúblicas, acreditados cerca del gobierno de los Estados Unidos de América, y por el Secretario de Estado de esta misma nación, que funcionará como presidente del expresado consejo directivo. Este celebrará una sesión ordinaria cada mes, con excepción de los de Junio, Julio y Agosto, y todas las extraordinarias á que convoque el presidente, por sí ó á moción de dos miembros del consejo. Bastará la concurrencia de cinco miembros de dicho consejo



sufficient to constitute a quorum empowered to transact any business which may come before the board. The governing board shall appoint such committees as it may deem proper.

ART. 2. All the positions in the bureau shall be filled after examination of the applicants by an examining board. Said applicants shall present their applications upon blanks, to be furnished by the director of the bureau, on which the applicants shall state the particular service which they desire to perform; they shall inscribe their names on a register kept by the director, wherein all the details of the examination shall be recorded, and the examining board can only recommend for special positions applied for and to be filled those who may show their qualifications for the performance of the duties of said position. The appointments shall be made by the governing board and shall be signed by the chairman.

ART. 3. The governing board, with the cooperation of the director of the bureau, shall annually prepare an itemized budget for the expenses of the succeeding year. This budget shall be transmitted to each Government represented in the bureau, together with a statement showing the proportionate amount which is to be paid by said Government based upon the agreement of April 14, 1890, which amounts each Government, by its acceptance of these regulations, shall agree to transmit to the Secretary of State of the United States six months in advance.

ART. 4. The governing board may at any time appoint one or two of its members to examine the accounts of the bureau and report to said board.

á cualquiera de las sesiones ordinarias ó extraordinarias, para que el consejo pueda funcionar regularmente en todos los asuntos de su competencia, y nombrará las comisiones que estime conveniente.

ART. 2º. Todos los empleos de la oficina se proveerán, previo examen de los aspirantes, que sustentarán ante una junta examinadora compuesta de tres personas que nombrará el consejo. Los dichos aspirantes presentarán sus solicitudes llenando los formularios que les proporcionará el director de la oficina, en los que se especificará el servicio especial que se trate de proveer, é inscribirán sus nombres en un registro que llevará la dirección, en que se harán constar todos los pormenores relativos á las materias de examen, y la junta examinadora sólo podrá recomendar para el empleo especial que se requiera y sea solicitado, á los que acreditaren su aptitud para el desempeño de dicho empleo. Los nombramientos serán hechos por el consejo y firmados por el presidente.

ART. 3º. El consejo directivo preparará todos los años, con la colaboración del director de la oficina, un presupuesto detallado de los gastos del año subsecuente. Este presupuesto se transmitirá á cada gobierno con un informe que demuestre la proporción de las cantidades que debe pagar cada uno de ellos, de conformidad con el convenio de 14 de Abril de 1890, y los gobiernos quedan en la obligación de remitir sus respectivas asignaciones al Secretario de Estado del Gobierno de los Estados Unidos de América, con seis meses de anticipación.

ART. 4º. Cada vez que el consejo directivo lo crea conveniente, designará á uno ó dos de sus miembros, con el encargo de practicar la glosa de las cuentas de la oficina, debiendo rendir al consejo el informe correspondiente.

ART. 5. The bureau shall have authority to correspond, through the diplomatic representatives in Washington, with the executive departments of the several American Republics, and shall furnish such information as it possesses or can obtain to any of said Republics so requesting. Each of the Republics agrees to facilitate the gathering of information by the bureau as far as practicable, and promptly to send thereto two copies of each of its official publications, which shall be preserved in the library of the bureau, and to supply such other information as, from time to time, may be requested by the director of the bureau.

ART. 6. The bureau shall publish a monthly bulletin which shall be printed in the English, Spanish, Portuguese, and French languages, or separately in each language, and which shall contain laws and statistical information of special interest to the inhabitants of the several Republics.

The bureau shall publish such pamphlets, maps, topographical and geographical charts, and other documents as the governing board may direct.

ART. 7. As soon as the present contracts for advertising in the bulletin shall have expired, no further advertisements shall be published.

ART. 8. Publications of the bureau shall be considered public documents and shall be carried free in the mails of all the Republics.

ART. 9. The bureau shall be charged especially with the performance of all the duties imposed upon it by the resolutions of the present International Conference.

ART. 10th. The director of the bureau may attend the meetings of the governing board and all its

ART. 5°. La oficina estará facultada para mantener correspondencia, por conducto de los representantes diplomáticos en Washington, con los departamentos del ejecutivo de las diferentes repúblicas americanas, y deberá proporcionar los datos que posea ó pueda obtener, á cualesquiera de dichas Repúblicas que lo solicite. Estas convienen en facilitar á la oficina, en cuanto fuere posible, los informes que solicitare, y en remitirle oportunamente dos ejemplares de sus publicaciones oficiales, que se conservarán en la biblioteca de la oficina. Asimismo convienen en proporcionar á la propia oficina cualesquiera informes que les sean pedidos por su director.

ART. 6°. La oficina publicará un boletín mensual que deberá imprimirse en los idiomas español, inglés, portugués y francés, conjunta ó separadamente, que contendrá informes estadísticos, comerciales y sobre legislación, que sean de interés especial para los habitantes de las diferentes repúblicas. Publicará también la oficina los folletos, mapas, cartas geográficas ó topográficas, y cuanto por juzgarlo conveniente, le ordene el consejo directivo.

ART. 7°. Tan pronto como terminen los contratos pendientes sobre anuncios, cesará la publicación de ellos en el boletín.

ART. 8°. Todas las publicaciones de la oficina se considerarán como documentos públicos, y serán porteados gratuitamente por los correos de las repúblicas.

ART. 9°. La oficina se encargará especialmente del cumplimiento de todas las obligaciones que le impongan las resoluciones que adopte la presente conferencia internacional.

ART. 10. El director de la oficina podrá asistir á las sesiones del consejo directivo y á las de las

committees, and also the sessions of the international conference of the American Republics, for the purpose of giving information when called upon for it.

ART. 11th. The bureau shall be the custodian of the archives of the international conferences of the American Republics.

ART. 12th. The resolutions of the First International Conference of the American Republics, adopted April 14, 1890, shall remain in force, so far as they are not in conflict with these regulations; and all other resolutions and plans for the reorganization of the bureau are hereby annulled.

ART. 13th. Under the authority of the governing board of the International Union of the American Republics and as a section of the bureau of said Republics, a Latin-American Library is established to be named "Biblioteca de Colón" (*Columbus Library*).

Made and signed in the City of Mexico, on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the department of foreign relations of the Government of the United States of Mexico, in order that certified copies thereof be made to be forwarded through diplomatic agency to each one of the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chile,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQ. WALKER M.  
(Signed) EMILIO BELLO C.

comisiones, así como á las de las conferencias internacionales de las repúblicas americanas, para dar los informes que se le pidan.

ART. 11. La oficina tendrá bajo su custodia los archivos de las conferencias internacionales de las repúblicas americanas.

ART. 12. Las resoluciones de la Primera Conferencia Internacional de las repúblicas americanas, adoptadas el 14 de Abril de 1890, permanecerán vigentes en cuanto no se opongan á estas prescripciones, y se declaran abrogadas las demás resoluciones y planes referentes á la organizacion de la oficina.

ART. 13. Se funda, bajo la autoridad del consejo directivo de la unión internacional de las repúblicas americanas, y como una sección de la oficina de dichas repúblicas, una biblioteca latino-americana que se designará con el nombre de "Biblioteca de Colón."

Hecho y firmado en la Ciudad de México, á los veintinueve días del mes de Enero de mil novecientos dos, en tres ejemplares escritos, respectivamente, en español, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chile,  
(Firmado) AUGUSTO MATTE.  
(Firmado) JOAQ. WALKER M.  
(Firmado) EMILIO BELLO C.

For the Dominican Republic, (Signed) FED. HENRIQUEZ I CARVAJAL. (Signed) L. F. CARBO. (Signed) QUINTÍN GUTIÉRREZ	Por la República Dominicana, (Firmado) FED. HENRÍQUEZ I CARVAJAL. (Firmado) L. F. CARBO. (Firmado) QUINTÍN GUTIÉRREZ.
For Ecuador, (Signed) L. F. CARBO.	Por Ecuador, (Firmado) L. F. CARBO.
For El Salvador, (Signed) FRANCISCO A. REYES. (Signed) BALDASAR ESTUPINIAN.	Por El Salvador, (Firmado) FRANCISCO A. REYES. (Firmado) BALDASAR ESTUPINI- AN.
For the United States of America, (Signed) W. I. BUCHANAN. (Signed) CHARLES M. PEPPER. (Signed) VOLNEY W. FOSTER.	Por los Estados Unidos de América, (Firmado) W. I. BUCHANAN. (Firmado) CHARLES M. PEPPER. (Firmado) VOLNEY W. FOSTER.
For Guatemala, (Signed) FRANCISCO ORLA.	Por Guatemala, (Firmado) FRANCISCO ORLA.
For Haiti, (Signed) J. N. LÉGER.	Por Haití, (Firmado) J. N. LÉGER.
For Honduras, (Signed) J. LEONARD. (Signed) F. DAVILA.	Por Honduras, (Firmado) J. LEONARD. (Firmado) F. DÁVILA.
For Mexico, (Signed) G. RAIGOSA. (Signed) JOAQUIN D. CASASÚS. (Signed) E. PARDO, Jr. (Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS. (Signed) PABLO MACEDO. (Signed) F. L. DE LA BARRA. (Signed) ALFREDO CHAVERO. (Signed) M. SANCHEZ MARMOL. (Signed) ROSENDO PINEDA.	Por México, (Firmado) G. RAIGOSA. (Firmado) JOAQUÍN D. CASASÚS. (Firmado) E. PARDO (jr.) (Firmado) JOSÉ LÓPEZ-POR- TILLO Y ROJAS. (Firmado) PABLO MACEDO. (Firmado) F. L. DE LA BARRA. (Firmado) ALFREDO CHAVERO. (Firmado) M. SÁNCHEZ MÁR- MOL. (Firmado) ROSENDO PINEDA.
For Nicaragua, (Signed) F. DAVILA.	Por Nicaragua, (Firmado) F. DÁVILA.
For Paraguay, (Signed) CECILIO BAEZ.	Por Paraguay, (Firmado) CECILIO BAEZ.
For Peru, (Signed) MANUEL ALVAREZ CALDERON. (Signed) ALBERTO ELMORE.	Por Perú, (Firmado) MANUEL ALVAREZ CALDERÓN. (Firmado) ALBERTO ELMORE.
For Uruguay, (Signed) JUAN CUESTAS.	Por Uruguay, (Firmado) JUAN CUESTAS.

## APPENDIX L.

*Resolution.*

## SOURCES OF PRODUCTION AND STATISTICS.

The undersigned, delegates of the Republics represented at the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference resolves:

First. That the American Governments send, from time to time, at the latest every year, to the Bureau of American Republics, the most complete information and statistical data which it may be possible for them to procure, with regard to their populations and natural resources, as well as the statistical data on manufactures and commerce and on any other matter which they may deem useful for the development of the economic relations of America.

Second. That the said bureau give special attention to the obtaining of the statistical data to which the foregoing clause refers; and, as soon as the same are received, to classify, properly arrange, and publish them.

Third. That the said Republics renew and send, from time to time, to the permanent exhibitions already established or to be established on the American continent, samples of their natural and industrial products, accompanying them with such information as may tend to contribute to the development of their reciprocal commerce, without prejudice to the separate exhibitions, which all or any of the Republics may wish to establish within their own territory.

*Resolución.*

## FUENTES DE PRODUCCIÓN Y ESTADÍSTICA.

Los que subscriben, delegados de las repúblicas representadas en las Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la siguiente resolución:

La Segunda Conferencia Internacional Americana resuelve:

1. Que los gobiernos de las repúblicas americanas remitan periódicamente, y á más tardar cada año, á la Oficina Internacional de dichas repúblicas, los informes y datos estadísticos más completos que les sea posible, acerca de su población, recursos naturales, manufacturas, comercio, y sobre todo lo demás que juzguen útil para el incremento de las relaciones económicas de la América.

2. Que la Oficina de las Repúblicas Americanas dedique especial atención á obtener los datos estadísticos á que se refiere la cláusula anterior; y una vez obtenidos, los ordene, clasifique y publique.

3. Que los mismos gobiernos envíen y renueven periódicamente muestras de los productos naturales é industriales de sus respectivos países á las exposiciones permanentes establecidas ya, ó que se establezcan en las repúblicas del continente, acompañando dichas muestras de los informes que puedan contribuir al desarrollo de su comercio recíproco, sin perjuicio de las exposiciones particulares que cualquiera de ellas establezca dentro de su territorio.

Fourth. That the data on weights and measures be given according to the decimal system, with a statement of their equivalents, according to the system of each nation that may have a system distinct from the decimal one.

Fifth. That in order to express values, the standard gold coin of the United States of America be taken as a basis, stating its relation to the standard of other nations at the average rate of exchange of each corresponding year.

Sixth. That in order to obtain uniformity in the valuation of international commercial articles, the price fixed for the same be that which they represent on board at the ports of destination expressed in gold coin of the United States of America.

Made and signed at the City of Mexico on the 23d day of the month of January, 1902, in three copies written in the Spanish, English, and French languages, respectively, which shall be deposited in the department of foreign relations of the Government of the Mexican United States, so that certified copies thereof may be made in order to transmit them, through the diplomatic channel, to each one of the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chile,

(Signed) AUGUSTO MATTE.

(Signed) JOAQUIN WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

(Signed) L. F. CARBO.

(Signed) QUINTIN GUTIERREZ Z.

4. Que los datos sobre pesos y medidas se expresen según el sistema decimal, con la anotación de su equivalencia según el sistema nacional, en los países que lo tengan distinto de aquél.

5. Que para expresar los valores, se tome como base la moneda de oro de los Estados Unidos de América, indicando su relación con la moneda de las demás repúblicas, al tipo de cambio medio en cada año correspondiente.

6. Que para obtener la uniformidad en la valuación de las materias de comercio internacional, se fije como precio de ellas el que tengan á bordo en los puertos de desembarque, en moneda de oro de los Estados Unidos de América.

Hecho y firmado en la Ciudad de México, á los veintitrés días del mes de Enero de mil novecientos dos, en tres ejemplares escritos respectivamente en castellano, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AUGUSTO MATTE.

(Firmado) JOAQUIN WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRIQUEZ I CARVAJAL.

(Firmado) L. F. CARBO.

(Firmado) QUINTIN GUTIERREZ Z.

For Ecuador, (Signed) L. F. CARBO.	Por Ecuador, (Firmado) L. F. CARBO.
For El Salvador, (Signed) FRANCISCO A. REYES. (Signed) BALDASAR ESTUPINIAN.	Por El Salvador, (Firmado) FRANCISCO A. REYES. (Firmado) BALDASAR ESTUPI- NIAN.
For the United States of America, (Signed) W. I. BUCHANAN. (Signed) CHARLES M. PEPPER. (Signed) VOLNEY W. FOSTER.	Por los Estados Unidos de Amér- ica, (Firmado) W. I. BUCHANAN. (Firmado) CHARLES M. PEPPER. (Firmado) VOLNEY W. FOSTER.
For Guatemala, (Signed) FRANCISCO ORLA.	Por Guatemala, (Firmado) FRANCISCO ORLA.
For Haiti, (Signed) J. N. LÉGER.	Por Haití, (Firmado) J. N. LÉGER.
For Honduras, (Signed) J. LEONARD. (Signed) F. DAVILA.	Por Honduras, (Firmado) J. LEONARD. (Firmado) F. DÁVILA.
For Mexico, (Signed) G. RAIGOSA. (Signed) JOAQUIN D. CASASUS. (Signed) E. PARDO, Jr. (Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS. (Signed) PABLO MACEDO. (Signed) F. L. DE LA BARRA. (Signed) ALFREDO CHAVERO. (Signed) M. SANCHEZ MARMOL. (Signed) ROSENDO PINEDA.	Por México, (Firmado) G. RAIGOSA. (Firmado) JOAQUÍN D. CASASÚS. (Firmado) E. PARDO (jr.). (Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS. (Firmado) PABLO MACEDO. (Firmado) F. L. DE LA BARRA. (Firmado) ALFREDO CHAVERO. (Firmado) M. SÁNCHEZ MÁRMOL. (Firmado) ROSENDO PINEDA.
For Nicaragua, (Signed) F. DAVILA.	Por Nicaragua, (Firmado) F. DÁVILA.
For Paraguay, (Signed) CECILIO BAEZ.	Por Paraguay, (Firmado) CECILIO BAEZ.
For Peru, (Signed) MANUEL ALVAREZ CALDERON. (Signed) ALBERTO ELMORE.	Por Perú, (Firmado) MANUEL ALVAREZ CALDERÓN. (Firmado) ALBERTO ELMORE.
For Uruguay, (Signed) JUAN CUESTAS.	Por Uruguay, (Firmado) JUAN CUESTAS.

## APPENDIX M.

*Resolution concerning the meeting  
of a congress for the study of the  
production and consumption of  
coffee.*

The undersigned, delegates of  
the Republics represented in the  
Second International American  
Conference, duly authorized by

*Resolución relativa á la reunión  
de un Congreso encargado de  
estudiar la producción y el con-  
sumo del café.*

Los que subscriben, delegados  
de las repúblicas representadas en  
la Segunda Conferencia Interna-  
cional Americana, debidamente au-

their Governments, have approved the following resolution:

The Second International American Conference resolves:

First. That within one year from the close of the sessions of the International American Conference there shall meet in the city of New York, United States of America, a commission composed of one or more delegates appointed by each Government which may desire to be represented, and who must possess technical and expert knowledge regarding the production, distribution, and consumption of coffee.

Second. The governing board of the International Union of the American Republics shall appoint the day on which said commission is to assemble. Said commission will be organized in the manner it may decide upon, with the assistance of said bureau, and it shall have for its object the investigation of the causes which at the present time are producing the crisis through which that great industry is passing, and to propose practical means to prevent or abate the same.

Made and signed in the City of Mexico, on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the department of foreign relations of the Government of the United States of Mexico, in order that certified copies thereof be made, to transmit them through diplomatic channel to each one of the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

torizados por sus Gobiernos, han aprobado la resolución siguiente:

La Segunda Conferencia Internacional Americana resuelve:

Primero. Que dentro de un año, contado desde la clausura de las sesiones de la Conferencia Internacional Americana, se reuna en la ciudad de Nueva York, Estados Unidos de América, una comisión compuesta de uno ó más delegados nombrados por cada Gobierno que desee estar representado en ella, los cuales deberán tener conocimientos técnicos ó periciales acerca de la producción, distribución y consumo del café.

Segundo. El Consejo Directivo de la Oficina Internacional de las Repúblicas Americanas fijará la fecha en que ha de reunirse esta comisión, y se organizará como ella decida, con el auxilio de la oficina mencionada, y tendrá por objeto el estudio de las causas que producen actualmente la crisis por que esta gran industria atraviesa, y proponer los medios prácticos de evitarla ó disminuirla.

Hecho y firmado en la Ciudad de México, á los vientinueve días del mes de Enero de mil novecientos dos, en tres ejemplares escritos respectivamente en español, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.



For Costa Rica,  
 (Signed) J. B. CALVO.  
 For the Dominican Republic,  
 (Signed) FED. HENRIQUEZ CAR-

VAJAL.  
 (Signed) L. F. CARBO.  
 (Signed) QUINTIN GUTIERREZ.

For Ecuador,  
 (Signed) L. F. CARBO.  
 For El Salvador,  
 (Signed) FRANCISCO A. REYES.  
 (Signed) BALTAZAR ESTUPINIAN.

For the United States of America,  
 (Signed) W. I. BUCHANAN.  
 (Signed) CHARLES M. PEPPER.  
 (Signed) VOLNEY W. FOSTER.

For Guatemala,  
 (Signed) FRANCISCO ORLA.

For Haiti,  
 (Signed) J. N. LÉGER.

For Honduras,  
 (Signed) J. LEONARD.  
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For Mexico,  
 (Signed) G. RAIGOSA.  
 (Signed) JOAQUIN D. CASASÚS.  
 (Signed) E. PARDO, Jr.  
 (Signed) JOSÉ LOPEZ-PORTILLO  
 Y ROJAS.

(Signed) PABLO MACEDO.  
 (Signed) F. L. DE LA BARRA.  
 (Signed) ALFREDO CHAVERO.  
 (Signed) M. SANCHEZ MARMOL.  
 (Signed) ROSENDO PINEDA.

For Nicaragua,  
 (Signed) F. DAVILA.

For Paraguay,  
 (Signed) CECILIO BAEZ.

For Peru,  
 (Signed) MANUEL ALVAREZ  
 CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,  
 (Signed) JUAN CUESTAS.

Por Costa Rica,  
 (Firmado) J. B. CALVO.  
 Por la República Dominicana,  
 (Firmado) FED. HENRÍQUEZ I.  
 CARVAJAL.

(Firmado) L. F. CARBO.  
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Por Ecuador,  
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 (Firmado) FRANCISCO A. REYES.  
 (Firmado) BALTAZAR ESTUPI-  
 NIAN.

Por los Estados Unidos de Améri-  
 ca,  
 (Firmado) W. I. BUCHANAN.  
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 (Firmado) MANUEL ALVAREZ  
 CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,  
 (Firmado) JUAN CUESTAS.

## APPENDIX N.

*Recommendation on the creation of an international archæological commission.*

The undersigned, delegates of the Republics represented in the Second International American Conference, duly authorized by their Governments, have approved the following recommendation:

The Second International American Conference recommends to the Republics here represented that an "American international archæological commission" be formed through the appointment by the President of each of the American Republics of one or more members of such commission; that each Government represented shall defray the expenses of its commissioner or commissioners; that such commissioners shall be appointed for five years, and that they shall be subject to reappointment; that appropriations for the expenses incident to the prosecution of the work and publications of the report of the archæological commission shall be made by the respective Governments subscribing on the same basis as that on which the Bureau of the American Republics is supported; that the first meeting for the organization of the commission, the election of officers, and adoption of rules shall occur in the city of Washington, District of Columbia, United States of America, within two years from this date; that the accounting department of the commission shall be exercised by the Bureau of the American Republics; that this commission shall meet at least once in each year; that the commission shall have the power to

*Recomendación sobre la creación de una Comisión Arqueológica Internacional.*

Los que suscriben, delegados de las repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la siguiente recomendación:

La Segunda Conferencia Internacional Americana

Recomienda á las repúblicas representadas en ella, que se forme una comisión arqueológica internacional americana, nombrando el Presidente de cada una de las repúblicas americanas uno ó más miembros de dicha comisión; que cada Gobierno representado sufraque los gastos de su comisionado ó comisionados, quienes serán nombrados por cinco años, pudiendo serlo de nuevo por otros cinco; que los presupuestos de los gastos que demande la prosecución de esta obra y la publicación del informe de la comisión arqueológica, se cubrirán por los respectivos Gobiernos por medio de subcripciones, como las que sostienen la Oficina de las Repúblicas Americanas; que la primera reunión para organizar la comisión, elegir empleados y adoptar un reglamento, se verificará en la ciudad de Washington, Distrito de Columbia, Estados Unidos de América, dentro del plazo de dos años contados desde esta fecha; que el departamento de contabilidad estará enteramente á cargo de la Oficina de las Repúblicas Americanas; que esta Comisión se reunirá, por lo menos, una vez al año, y que tendrá facultad para nombrar subcomisiones, las que estarán encargadas especialmente de los trabajos de explora-

appoint subcommissions, which shall be charged specially with the explorations or other work committed to their care; that subcommissions may be appointed which shall cause the cleaning and preservation of the ruins of the principal prehistorical cities, establishing at each of them a museum to contain objects of interest found in the locality, and at such exhumed cities to establish conveniences for the visiting public; that the commission endeavor to establish an "American international museum," which is to become the center of all the investigations and interpretations, and that it be established in the city selected by the majority of the Republics acquiescing in this recommendation.

Committees shall also be appointed to clean and conserve the ruins of ancient cities, establishing in each of them a museum to contain the antiquities that may be gathered, and which is to afford all possible accommodations to visitors.

The archæological commission and the subcommittees it may appoint will be subject in all matters to the laws of the signatory countries.

Made and signed in the City of Mexico, on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the department of foreign relations of the Government of the United States of Mexico, in order that certified copies thereof be made to be forwarded through diplomatic agency to each one of the signatory States.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

ción y utilización que les fueren confiados; que se podrán nombrar otras subcomisiones que tendrán á su cargo la limpieza y conservación de las ruinas de las principales ciudades prehistóricas, estableciendo en cada una de éstas un museo para conservar los objetos de interés que se encuentren en la localidad, y que en dichas ciudades exhumadas se establezcan lugares apropiados para los visitantes; que la Comisión procure la formación de un "Museo Internacional Americano" que será centro de todas las labores de investigación y de interpretación, y se establecerá en la ciudad que designe la mayoría de las Repúblicas que acepten esta recomendación.

Se nombrarán igualmente comisiones para limpiar y conservar las ruinas de las ciudades antiguas, estableciéndose en cada una de ellas un museo con los objetos que se coleccionaren y se procurará rodearlas de comodidades para los visitantes.

La comisión arqueológica y las subcomisiones que ella designe, se sujetarán en todo á las leyes especiales de cada uno de los países signatarios.

Hecho y firmado en la Ciudad de México, á los veintinueve días del mes de Enero de mil novecientos dos, en tres ejemplares escritos, respectivamente, en español, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chile,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQ. WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I  
CARVAJAL.

(Signed) L. F. CARBO.  
(Signed) QUINTIN GUTIERREZ.

For Ecuador,  
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For El Salvador,  
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(Signed) BALTASAR ESTUPINIAN.

For the United States of America,  
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(Signed) CHARLES M. PEPPER.  
(Signed) VOLNEY W. FOSTER.

For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti,  
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(Signed) ALBERTO ELMORE.

For Uruguay,  
(Signed) JUAN CUESTAS.

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Por la República Dominicana,  
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AN.

Por los Estados Unidos de Amér-  
ica,  
(Firmado) W. I. BUCHANAN.  
(Firmado) CHARLES M. PEPPER.  
(Firmado) VOLNEY W. FOSTER.

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Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO (jr.).  
(Firmado) JOSÉ LÓPEZ-PORTI-  
LLO Y ROJAS.

(Firmado) PABLO MACEDO.  
(Firmado) F. L. DE LA BARRA.  
(Firmado) ALFREDO CHAVERO.  
(Firmado) M. SÁNCHEZ MÁR-  
MOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILIO BAEZ.

Por Perú,  
(Firmado) MANUEL ALVAREZ  
CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,  
(Firmado) JUAN CUESTAS.

## APPENDIX O.

*Resolution.*

The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization and to the greatest degree beneficial to the development of commerce between the American States and the other countries of the world.

*Resolución.*

Las Repúblicas congregadas en la Conferencia Internacional de México, aplauden el propósito del Gobierno de los Estados Unidos, de abrir un canal interoceánico, y reconocen que la obra será no sólo digna de la grandeza del pueblo americano, sino en alto grado civilizadora y seguramente útil sobremanera al desarrollo del comercio de los Estados de las Américas entre sí y con los demás del mundo.

## APPENDIX P.

*Pan-American Bank.*

## RECOMMENDATION.

The undersigned, delegates of the Republics represented at the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference, considering

That a powerful banking institution established in a great mercantile center of the Continent, with branches in the principal cities of the American Republics, would develop mercantile relations among them;

And that, if said institution should adopt uniform rules for the granting of credits and charging of commissions, it would afford even greater advantages to industry, and be well received by all the American nations:

Recommends that there be estab-

*Banco Pan-Americano.*

## RECOMENDACIÓN.

Los que subscriben, delegados de las repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la siguiente resolución:

La Segunda Conferencia Internacional Americana, considerando: Que una gran institución bancaria establecida en un gran centro mercantil del continente, con sucursales en las principales ciudades de las repúblicas americanas, fomentaría entre éstas sus relaciones mercantiles;

Y que si dicha institución ajustare á reglas uniformes la concesión de créditos y el cobro de comisiones, proporcionaría á la industria ventajas aun mayores, y sería bien acogida por todas las naciones americanas, recomienda:

Que se establezca en Nueva

lished in New York, Chicago, San Francisco, New Orleans, Buenos Ayres, or any other important mercantile center a bank of the character before mentioned, and that it be assisted by the Republics of America in every manner compatible with the internal legislation of each country.

Made and signed at the City of Mexico on the 21st day of the month of January, 1902, in three copies, written in the Spanish, English, and French languages, respectively, which shall be deposited in the department of foreign relations of the Government of the Mexican United States, so that certified copies thereof may be made in order to transmit them, through the diplomatic channel, to each one of the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

(Signed) L. F. CARBO.

(Signed) QUINTIN GUTIERREZ.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTAZAR ESTUPINIAN.

For the United States of America,

(Signed) W. I. BUCHANAN.

(Signed) CHARLES M. PEPPER.

(Signed) VOLNEY W. FOSTER.

For Guatemala,

(Signed) FRANCISCO ORLA.

For Haiti,

(Signed) J. N. LÉGER.

For Honduras,

(Signed) J. LEONARD.

(Signed) F. DÁVILA.

York, Chicago, San Francisco, Buenos Aires, Nueva Orleans ú otro importante centro mercantil, un banco del carácter referido; y que él sea auxiliado por las repúblicas de América, en todas las formas compatibles con la legislación interna de cada país.

Hecho y firmado en la ciudad de México, á los veintin días del mes de Enero de mil novecientos dos, en tres ejemplares escritos respectivamente en castellano, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

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(Firmado) LORENZO ANADÓN.

Por Bolivia,

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Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por la República Dominicana,

(Firmado) FED. HENRÍQUEZ I CARVAJAL.

(Firmado) L. F. CARBO.

(Firmado) QUINTÍN GUTIÉRREZ.

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

(Firmado) BALTAZAR ESTUPINIAN.

Por los Estados Unidos de América,

(Firmado) W. I. BUCHANAN.

(Firmado) CHARLES M. PEPPER.

(Firmado) VOLNEY W. FOSTER.

Por Guatemala,

(Firmado) FRANCISCO ORLA.

Por Haití,

(Firmado) J. N. LÉGER.

Por Honduras,

(Firmado) J. LEONARD.

(Firmado) F. DÁVILA.

For Mexico,	Por México,
(Signed) G. RAIGOSA.	(Firmado) G. RAIGOSA.
(Signed) JOAQUIN D. CASASUS.	(Firmado) JOAQUÍN D. CASASÚS.
(Signed) E. PARDO, Jr.	(Firmado) E. PARDO, Jr.
(Signed) JOSÉ LOPEZ PORTILLO Y ROJAS.	(Firmado) JOSÉ LÓPEZ-PORTI- LLO Y ROJAS.
(Signed) PABLO MACEDO.	(Firmado) PABLO MACEDO.
(Signed) F. L. DE LA BARRA.	(Firmado) F. L. DE LA BARRA.
(Signed) ALFREDO CHAVERO.	(Firmado) ALFREDO CHAVERO.
(Signed) M. SANCHEZ MARMOL.	(Firmado) M. SÁNCHEZ MÁRMOL.
(Signed) ROSENDO PINEDA.	(Firmado) ROSENDO PINEDA.
For Nicaragua,	Por Nicaragua,
(Signed) F. DÁVILA.	(Firmado) F. DÁVILA.
For Paraguay,	Por Paraguay,
(Signed) CECILIO BAEZ.	(Firmado) CECILIO BAEZ.
For Peru,	Por Perú,
(Signed) MANUEL ALVAREZ CALDERON.	(Firmado) MANUEL ALVAREZ CALDERÓN.
(Signed) ALBERTO ELMORE.	(Firmado) ALBERTO ELMORE.
For Uruguay,	Por Uruguay,
(Signed) JUAN CUESTAS.	(Firmado) JUAN CUESTAS.

## APPENDIX Q.

*Resolution.*

Whereas there have been held recently in the island of Cuba elections at which were chosen Presidential and senatorial electors, members of the House of Representatives, governors of the respective provinces, and members of the provincial councils, for the independent republican Government which soon is to be established in that island; and,

Whereas the Republics of America represented in this assembly entertain the most sincere sentiments of respect and good will for the new Republic about to enter into the family of nations of this hemisphere;

Therefore be it resolved, By the Second International Ameri-

*Resolución.*

Por cuanto se han verificado recientemente en la isla de Cuba elecciones en las que se han designado electores que á su vez nombrarán Presidente y senadores, así como miembros de la cámara de representantes, gobernadores de las provincias respectivas y miembros de los consejos provinciales, todos los cuales habrán de representar al gobierno republicano que próximamente quedará establecido en la isla:

Por cuanto, las repúblicas de América representadas en esta Asamblea abrigan los más sinceros sentimientos de respeto y buena voluntad hacia la nueva república que está próxima á ingresar en la familia de las naciones de este hemisferio;

Por tanto, la Segunda Conferencia Internacional Americana

can conference, that the president of the conference convey to the future President of the new Republic its earnest well wishes for the happy discharge of his high office as well as its good wishes for the prosperity of the future Republic of Cuba.

resuelve: que el presidente de la conferencia transmita al futuro Presidente de la nueva República, sus fervientes votos por el feliz desempeño de su misión, así como los votos que hace por la prosperidad de la futura República de Cuba.

## APPENDIX R.

### *Recommendation.*

#### THE PHILADELPHIA COMMERCIAL MUSEUM.

The undersigned, delegates of the Republics represented in the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference recommends to the Governments of the Republics therein represented the advisability of adopting measures looking to the speedy completion and renewal of the collections of their products exhibited in the Commercial Museum of Philadelphia, and the transmission to the said museum of the data, reports, and publications of a general character, tending to favor and increase mercantile traffic.

Made and signed in the City of Mexico, on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the Department of Foreign Relations of the Government of the United States of Mexico, in order that certified copies thereof be made, to transmit them through diplomatic channels to each one of the signatory States.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

### *Recomendación*

#### EN FAVOR DEL MUSEO COMERCIAL DE FILADELFIA.

Los que subscriben, delegados de las repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus gobiernos, han aprobado la resolución siguiente:

La Segunda Conferencia Internacional Americana encarece á los gobiernos de las repúblicas en ella representadas, la conveniencia de tomar medidas encaminadas á la pronta terminación y renovación de las colecciones de sus productos exhibidos en el Museo Comercial de Filadelfia, y la remisión á dicho museo, como institución de beneficio público, de los datos, informes y publicaciones oficiales de carácter general, que tiendan á favorecer y aumentar el tráfico mercantil.

Hecho y firmado en la Ciudad de México, á los veintinueve días del mes de Enero de mil novecientos dos, en tres ejemplares escritos, respectivamente, en español, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.



For Colombia,  
 (Signed) RAFAEL REYES.  
 For Costa Rica,  
 (Signed) J. B. CALVO.  
 For Chile,  
 (Signed) AUGUSTO MATTE.  
 (Signed) EMILIO BELLO C.  
 For Ecuador,  
 (Signed) L. F. CARBO.  
 For El Salvador,  
 (Signed) FRANCISCO A. REYES.  
 (Signed) BALTASAR ESTUPINIAN.

For the United States of America,  
 (Signed) W. I. BUCHANAN.  
 (Signed) CHARLES M. PEPPER.  
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 (Signed) ROSENDO PINEDA.

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 For Peru,  
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 DERON.  
 (Signed) ALBERTO ELMORE.  
 For Uruguay,  
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 (Firmado) L. F. CARBO.  
 Por El Salvador,  
 (Firmado) FRANCISCO A. REYES.  
 (Firmado) BALTASAR ESTUPINI-  
 AN.

Por los Estados Unidos de Amé-  
 rica,  
 (Firmado) W. I. BUCHANAN.  
 (Firmado) CHARLES M. PEPPER.  
 (Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
 (Firmado) FRANCISCO ORLA.  
 Por Haití,  
 (Firmado) J. N. LÉGER.  
 Por Honduras,  
 (Firmado) J. LEONARD.  
 (Firmado) F. DÁVILA.  
 Por México,  
 (Firmado) G. RAIGOSA.  
 (Firmado) JOAQUÍN D. CASASÚS.  
 (Firmado) E. PARDO, jr.  
 (Firmado) JOSÉ LOPEZ-PORTI-  
 LLO Y ROJAS.  
 (Firmado) PABLO MACEDO.  
 (Firmado) F. L. DE LA BARRA.  
 (Firmado) ALFREDO CHAVERO.  
 (Firmado) M. SÁNCHEZ MÁRMOL.  
 (Firmado) ROSENDO PINEDA.

Por Nicaragua,  
 (Firmado) F. DÁVILA.  
 Por Paraguay,  
 (Firmado) CECILIO BAEZ.  
 Por Perú,  
 (Firmado) MANUEL ALVAREZ  
 CALDERÓN.  
 (Firmado) ALBERTO ELMORE.  
 Por Uruguay,  
 (Firmado) JUAN CUESTAS.

## APPENDIX S.

*Resolution.*

"The Second International American Conference appreciates fully the efforts of St. Louis and of its inhabitants, which are taking place with the aid of the United States, to prepare an International Exhibition which is to take place in 1903."

These resolutions shall be forwarded to the mayor of the city of St. Louis for his information.

*Resolución.*

La Segunda Conferencia Internacional Americana aprecia debidamente los esfuerzos que la ciudad y pueblo de San Luis, con el apoyo de los Estados Unidos, hacen para preparar una Exposición Internacional, que se verificará en 1903.

Esta resolución será comunicada al alcalde de la ciudad de San Luis.

## APPENDIX T.

*Resolution.*

The Second American International Conference resolves that the president, director-general, His Excellency Mr. William I. Buchanan, and the other employees of the Pan-American Exhibition, and the inhabitants of the city of Buffalo, receive its congratulations for the great success of that memorable and great work which is to contribute, doubtless, to the improvement and fostering of the friendly relations between the different States of the New World and to the growth and better knowledge of its resources, products, and possibilities.

*Resolución.*

La Segunda Conferencia Internacional Americana resuelve: que se manifieste al presidente, al director general, Excmo. Sr. William I. Buchanan, y á los demás empleados de la Exposición Pan-Americana, y á los habitantes de la Ciudad de Buffalo, sus parabienes por el buen éxito de aquella obra memorable que contribuirá, á no dudarlo, al fomento de las relaciones amistosas entre los diferentes Estados del Nuevo Mundo y al desarrollo y mejor conocimiento de sus recursos, productos y posibilidades.

## APPENDIX U.

*Resolution.*

"The conference decides that the invitation of the International Association of Olympic Games be communicated to the different Governments of the American Republics."

*Resolución.*

"La conferencia decide que la invitación de la Asociación Internacional de los Juegos Olímpicos, sea comunicada á los diversos Gobiernos de las Repúblicas Americanas."

## APPENDIX V.

*Resolution.*

Considering that Gen. Don Rafael Reyes and his brothers, Enrique and Nestor, have made, at their own expense, important explorations tending to demonstrate the practicability of steam navigation on the Putumayo River and other affluents of the Amazon,

That, in view of the data furnished by those explorations, the publication of an important work is being prepared relating to the geography of South America, and specially to its hydrographic basins,

The International Conference resolves:

First. To give a vote of thanks to General Reyes for his explorations;

Second. To recommend to the Governments interested to protect and to make known in every possible manner the aforesaid geographical publication.

*Additional resolution.*

1. The delegates who accept this proposal shall dedicate to the explorers Nestor and Enrique Reyes a memorial tablet, which is to be laid on their grave, with the following inscription:

"The Delegates to the Second American Conference, assembled in Mexico in 1901-1902, to Nestor and Enrique Reyes, who died serving the civilization of America."

2. That the Government of Colombia deign to accept the request to lay said tablet.

*Resolución.*

Considerando: Que el General Don Rafael Reyes y sus hermanos Enrique y Néstor realizaron á su costo importantes exploraciones, encaminadas á demostrar la practicabilidad de la navegación á vapor en el río Putumayo y otros afluentes del Amazonas;

Que sobre la base de esas exploraciones se está preparando la publicación de una importante obra relativa á la geografía de Sud-América, y, especialmente, á sus hoyas hidrográficas;

La Conferencia Internacional resuelve:

I. Acordar al Sr. General Reyes un voto de reconocimiento por sus exploraciones.

II. Recomendar á los gobiernos interesados que protejan y difundan en todo lo posible la publicación geográfica mencionada.

*Resolución adicional.*

1. Los delegados que acepten esta proposición dedicarán á los exploradores Néstor y Enrique Reyes, una placa conmemorativa, que se colocará en su tumba, con la inscripción siguiente:

"Los Delegados á la Segunda Conferencia Internacional Americana reunida en Mexico, en 1901 á 1902, á Néstor y á Enrique Reyes, muertos en servicio de la civilización de América."

2. Suplicase al Excelentísimo Gobierno de Colombia se digne aceptar el encargo de hacer colocar dicha placa.

## APPENDIX W.

*Resolution.*

"The Second Pan-American Conference duly appreciates Mr. Santos Dumont's efforts and those of all the other scientific men who persist in the discovery of the solution of the problem of aerial navigation."

*Resolución.*

"La Segunda Conferencia Pan-Americana aprecia debidamente los esfuerzos del Sr. Santos Dumont y demás hombres de ciencia empeñados en hallar una solución al problema de la navegación aérea."

## APPENDIX X.

*Motion offered by the Mexican delegation and adopted by the conference.*

The delegation of Mexico has the honor of proposing to the conference that it offer a testimonial of its esteem to the eminent Argentine writer, Mr. Carlos Calvo.

This motion is in harmony with the purposes of the congress, and is a significant proof of the spirit which unites the countries represented therein; more than a glory for the Argentine Republic, a glory for all America is this sage, who consecrated his strenuous, and fortunately long life, to repair an omission of the writers on international law "who," as he himself says, "left this vast American continent in the dark, although its power and influence are increasing from one day to another, and whose people in equality with those of Europe, are advancing on the road of civilization and enlightenment."

If to labors of such utility for our Republics—crowned in a masterly manner by his "Theoretical and Practical International Law"—he devoted all his energy, it is but just that we should offer the expression of our sympathy to

*Moción propuesta por la delegación mexicana y adoptada por la Conferencia.*

La delegación de México tiene la honra de proponer á la conferencia, que ésta envíe un testimonio de consideración al eminente publicista argentino D. Carlos Calvo.

Se compadece esta moción con los fines del congreso, y en muestra significativa del espíritu que une á los países en ella representados: gloria americana, más que gloria argentina, es el sabio que consagró su vida intensa y larga, por dicha, á reparar un olvido de los tratadistas de derecho internacional que, como él mismo dice, "habían dejado en la sombra este vasto continente americano, cuya influencia y poder aumentan, sin embargo, de día en día, y cuyos pueblos marchan al par de los de Europa, en la vía de la civilización y de las luces."

Si á labor tan útil para nuestras repúblicas, coronada magistralmente con el "Derecho internacional teórico y práctico" dedicó sus energías, justo es que enviemos la expresión de nuestra simpatía al varón á quien pueden aplicarse las

a man, to whom may be applied the beautiful phrase of Lucan: "He did not consider himself born for himself alone, but for the entire world; he was the faithful guardian of justice and the observer of the laws of honor."

For these considerations we respectfully ask the conference to transmit to his excellency Mr. Carlos Calvo the expressions of the esteem which it cherishes for that eminent American writer.

hermosas frases de Lucano: "no se creyó nacido para él sólo, sino para el mundo entero; fué guardián fiel de la justicia y observante de las leyes del honor."

Por estas consideraciones, pedimos respetuosamente á la conferencia que se sirva enviar al Excmo. Sr. D. Carlos Calvo la expresión de los sentimientos de consideración, que ella abriga hacia el eminente publicista americano.

## APPENDIX Y.

### *Resolution.*

Whereas, the undersigned, delegates to the Second International Conference of the American States, desire to place upon the records of the conference at this its last regular session, the gratefulness and appreciation felt by them for the uniform kindness, fairness, and courtesy, shown them during the sessions of the conference, by his excellency Señor Lic. D. Genaro Raigosa, president of the conference, and their thanks and sense of lasting gratitude they feel due to the distinguished secretary-general of the conference, Señor Lic. D. Joaquín D. Casasús, and to the secretaries of the conference Señor Lic. D. Miguel S. Macedo, Señor Lic. D. José F. Godoy, Señor Lic. D. Fernando Duret, and Señor D. Balbino Dávalos, and to the interpreters for the conference, Mr. J. Starr Hunt and Señor Lic. D. José Romero, and to all other employees thereof;

Therefore be it resolved, by the undersigned delegates to the Second International Conference of the American States, that their most sincere expressions of appre-

### *Resolución.*

Por cuanto los infrascritos delegados á la Segunda Conferencia Internacional Americana desean consignar en las actas de la misma, en esta su última sesión, los sentimientos de gratitud y aprecio de que se hallan poseídos, por la incesante benevolencia y cortesía de que han sido objeto durante las sesiones de la conferencia, por parte del Excmo. Sr. Lic. D. Genaro Raigosa, presidente de la asamblea, así como el agradecimiento y gratitud á que se creen obligados para con el distinguido secretario general de la conferencia, Sr. Lic. D. Joaquín D. Casasús, los Secretarios de la misma, Sres. Lic. D. Miguel S. Macedo, Lic. D. José F. Godoy, Lic. D. Fernando Duret y D. Balbino Dávalos, y los intérpretes Sres. J. Starr Hunt y Lic. D. José Romero, así como para con todos los demás empleados de la mencionada conferencia.

Por tanto, los infrascritos delegados á la Segunda Conferencia Internacional Americana, resuelven: que por la presente se transmitan respetuosa y cordialmente,

ciation are hereby most respectfully extended to the president of the conference, his excellency Señor Lic. D. Genaro Raigosa, for the fairness, kindness, and uniform courtesy he has constantly extended to the delegates of the conference; and,

That their deepest expressions of gratitude and thanks are due, and are hereby expressed, to the distinguished secretary-general of the conference, Sr. Lic. D. Joaquín D. Casasús for his constant considerate courtesy to the delegates in the conference; to the secretaries of the conference, Sr. Lic. D. Miguel S. Macedo, Sr. Lic. D. José F. Godoy, Sr. Lic. D. Fernando Duret, and Sr. D. Balbino Dávalos, for the great services they have so efficiently rendered, and to the interpreters of the conference, Mr. J. Starr Hunt and Sr. Lic. D. José Romero, and to all others connected with the work of the conference;

And, further, that this resolution shall be spread upon the minutes of the conference.

las más sinceras expresiones de su aprecio al presidente de la asamblea, el Excmo. Sr. Lic. D. Genaro Raigosa, por la equidad, benevolencia é invariable cortesía que ha impartido constantemente á los Delegados á la Conferencia, y

Que consideran merecido manifestar la más profunda expresión de su gratitud, y así lo hacen por la presente, al distinguido Secretario General de la Conferencia, Sr. Lic. D. Joaquín D. Casasús, por la constante y delicada cortesía hacia todos los Delegados; á los Secretarios de la misma, Sres. Lic. D. Miguel S. Macedo, Lic. D. José F. Godoy, Lic. D. Fernando Duret y D. Balbino Dávalos, por los grandes y eficaces servicios que han prestado, y á los intérpretes de la misma, Sres. J. Starr Hunt y Lic. D. José Romero, y á todas las demás personas que han participado en las labores de la conferencia.

Y, al mismo tiempo, que esta resolución se inserte en las actas de la conferencia.

## APPENDIX Z.

### *Resolution.*

Whereas the delegates of the Republics represented in the Second International Conference of American States desire to leave among the permanent records of the conference an expression of the debt of gratitude they owe to the distinguished Chief Magistrate of the United States of Mexico, to his cabinet, to the honorable governor of the federal district, and to the authorities of the City of Mexico, for their munificent hospitality, that has been extended to each and all of the delegates accredited to the conference, upon

### *Resolución.*

Por cuanto los delegados de las repúblicas representadas en la Segunda Conferencia Internacional de las Repúblicas Americanas, desean consignar en las actas de la misma una manifestación de la deuda de gratitud contraída con el distinguido Supremo Magistrado de los Estados Unidos Mexicanos, con su gabinete, con el honorable gobernador del Distrito Federal y con las autoridades de la ciudad de México, por la munificante hospitalidad que, en todas ocasiones, se ha impartido á todos y á cada uno de los delegados acreditados

all occasions, and also their deep appreciation of the numberless courtesies extended them by the distinguished members of the Mexican delegation in the conference, and the great satisfaction it has given them to have been able, through the hospitable invitation of the honorable governors of the States of Puebla, Vera Cruz, Jalisco, and Nuevo Leon, to have visited those progressive States:

Therefore, be it resolved by the undersigned delegates to the Second International Conference of the American States that their most grateful thanks, their most sincere expressions of appreciation, and their deepest acknowledgment of gratitude are hereby expressed and extended to His Excellency the President of the United States of Mexico, Señor Gen. Don Porfirio Díaz, to his cabinet, to the governor of the federal district, and to the ayuntamiento of the City of Mexico, for their manifold courtesies, their generous hospitality, and their great kindness, which have been continually extended to the delegates accredited to the conference, and to their families and secretaries, since their arrival to this progressive country; and that they request the Government of the United States of Mexico to please to convey to their excellencies the governors of the States of Puebla, Vera Cruz, Jalisco, and Neuvo Leon their deep sense of gratification for the delightful opportunity afforded them, through the hospitable invitation so generously extended them by their excellencies, to visit those rich and prosperous States of the Mexican Republic.

And, further, that this resolution shall be spread on the minutes of the conference.

MEXICO, *January 30, 1902.*—  
WILLIAM I. BUCHANAN, CHARLES  
M. PEPPER, VOLNEY W. FOSTER,  
delegates of the United States of

en la conferencia, y también su profundo reconocimiento por las innumerables cortesías que han recibido de los distinguidos miembros de la delegación mexicana á la conferencia, y la gran satisfacción que les ha causado haber podido visitar, gracias á la bondadosa invitación de los honorables gobernadores de los Estados de Puebla, Veracruz, Jalisco y Nuevo León, esas progresistas entidades:

Por tanto, se resuelve por los infrascritos delegados á la Segunda Conferencia Internacional de las Repúblicas Americanas, que por medio de la presente se expresen y se transmitan sus más cumplidos agradecimientos, sus más sinceras expresiones de estimación y profunda gratitud á S. E. el Presidente de los Estados Unidos Mexicanos, Sr. Gral. D. Porfirio Díaz; á su gabinete, al gobernador del distrito federal y al ayuntamiento de la Ciudad de México, por las incontables atenciones, por las generosa hospitalidad y por la gran benevolencia que han prodigado á los delegados acreditados en la conferencia, á sus familias y á sus secretarios, desde su arribo á este progresista país; y que suplique al Gobierno de los Estados Unidos Mexicanos, que tenga á bien comunicar á sus familias y á sus excellencias los gobernadores de los Estados de Puebla, Veracruz, Jalisco y Nuevo León, su gran satisfacción por la agradable oportunidad que se les ha presentado para visitar esos ricos y prósperos estados de la República, por medio de la hospitalaria invitación que tan generosamente les hicieron sus excellencias.

Y, además, que se inserte esta resolución en las actas de la conferencia.

MÉXICO, *Enero 30 de 1902.*—  
WILLIAM I. BUCHANAN, CHARLES  
M. PEPPER, VOLNEY W. FOSTER,  
delegados de los Estados Unidos de

America; FRANCISCO A. REYES J. B. CALVO; F. DAVILA; J. N. LÉGER; FRANCISCO ORLA; AUGUSTO MATTE; JUAN CUESTAS J. WALKER M.; L. F. CARBO LORENZO ANADÓN; A. BERMEJO FERNANDO E. GUACHALLA, delegate for Bolivia; CECILIO BAEZ MANUEL ALVAREZ CALDERÓN, delegate for Peru; EMILIO BELLO C. FED. HENRÍQUEZ Y CARVAJAL; J. LEONARD; BALTASAR ESTUPINIAN A. ELMORE.

América; FRANCISCO A. REYES; RAFAEL REYES; J. B. CALVO; F. DAVILA; FRANCISCO ORLA; J. N. LÉGER; AUGUSTO MATTE; JUAN CUESTAS; J. WALKER M.; L. F. CARBO; LORENZO ANADÓN; A. BERMEJO; FERNANDO E. GUACHALLA, delegado de Bolivia; CECILIO BAEZ; MANUEL ALVAREZ CALDERÓN, delegado por el Perú; EMILIO BELLO C; FEDERICO HENRÍQUEZ I CARVAJAL; J. LEONARD; BALTASAR ESTUPINIAN; A. ELMORE.

#### APPENDIX A A.

*Treaty for the extradition of criminals and for protection against anarchism.*

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, P Peru and Uruguay.

Desiring that their respective countries should be represented at the second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Dr. Antonio Bermejo, His Excellency D. Martín García Mérou, His Excellency Dr. Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*Tratado de extradición y protección contra el anarquismo.*

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Desiendo que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por la Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. General D. Rafael Reyes.



*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chile.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*For the Dominican Republic.*—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Dr. Antonio Lazo Arriaga, Colonel Francisco Orla.

*For Haiti.*—His Excellency Dr. J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Davila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasús, His Excellency José López-Portillo y Rojas, His Excellency Emilio Pardo, jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderón.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinian.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sr. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. Dr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haiti.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López-Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Marmol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. D. Manuel Alvarez Calderón.

*For Uruguay.*—His Excellency Juan Cuestas.

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to enter into a Treaty for the extradition of criminals and for protection against anarchism, in the following terms.

ARTICLE 1ST. The High Contracting Parties agree reciprocally to surrender persons accused or sentenced by the proper authorities whenever the following circumstances occur:

I. That the demanding State shall have jurisdiction to commit the delinquent who is the cause of the demand of extradition.

II. That the perpetration of a crime or offence of the common order which the laws of the demanding and requiring States punish with the penalty of not less than two years imprisonment, be duly invoked.

III. If by reason of the Federal form of Government of some of the High Contracting Parties, it shall not be possible to determine the punishment corresponding to a crime for which extradition has been demanded, the following list of crimes shall be taken as a basis for the demand:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning and infanticide.

2. Rape.

3. Bigamy.

4. Arson.

5. Crimes committed at sea, to wit:

(a). Piracy, as commonly known and defined by the Law of Nations.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar un tratado para la extradición de criminales y para la protección contra el anarquismo, en los siguientes términos:

ART. 1º. Las Altas Partes Contratantes convienen en entregarse recíprocamente á las personas acusadas ó sentenciadas por autoridad competente, siempre que concurren las siguientes circunstancias:

I. Que el Estado requeriente tenga jurisdicción para encausar al delincuente que motive la demanda de extradición.

II. Que se invoque la perpetración de un crimen ó delito del orden común, que las leyes de los Estados requeriente y requerido castiguen con una pena no menor de dos años de prisión.

III. Si, con motivo del régimen federal de alguna ó algunas de las Altas Partes Contratantes, no fuere posible determinar la pena correspondiente al delito por el cual se pide la extradición, se tendrá entonces por base para la demanda, la siguiente lista de delitos:

1. Homicidio, incluso los delitos conocidos con los nombres de parricidio, asesinato, envenenamiento é infanticidio.

2. Estupro y violación.

3. Bigamia.

4. Incendio.

5. Crímenes ó delitos cometidos en el mar; á saber:

a. Piratería, según se conoce y define comunmente en Derecho Internacional.

(b). Destruction or loss of a vessel, caused intentionally; or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel on the high seas.

(c). Mutiny or conspiracy by two or more members of the crew, or other persons, on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud, or by violence, taking possession of such vessel.

6. Burglary, defined to be the act of breaking and entering into the house of another in the night time, with intent to commit a felony therein.

7. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

8. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

9. Forgery or the utterance of forged papers.

10. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, or other instruments of public credit; of counterfeit seals, bank notes, stamps, dies, and marks of State, or public administration, and the utterance, circulation, or fraudulent use of any of the above mentioned objects.

b. Destrucción ó pérdida de un buque, causadas intencionalmente, ó conspiración y tentativa para conseguir dicha destrucción ó pérdida, cuando hubieren sido cometidas por alguna persona ó personas á bordo de dicho buque en alta mar.

c. Motín ó conspiración por dos ó más individuos de la tripulación, ó por otras personas á bordo de un buque en alta mar, con el propósito de rebelarse contra la autoridad del Capitán ó Comandante de dicho buque, ó con el de apoderarse por fraude ó violencia de dicho barco.

6. Allanamiento de morada, por el cual se entenderá el acto de asaltar la casa de otro y de entrar en ella durante la noche, con el fin de cometer un delito.

7. El acto de forzar la entrada á las oficinas públicas, Bancos, Casas de Banco, Cajas de Ahorro, Compañías de Depósito ó de Seguros, con el fin de cometer en ellas un robo, así como los robos que resulten de ese acto.

8. Robo con violencia, entendiéndose por tal, la substracción por la fuerza de bienes ó dinero ajenos, ó ejerciendo violencia ó intimidación.

9. Falsificación ó expendio, ó circulación de documentos falsificados.

10. Falsificación ó alteración de los actos oficiales del Gobierno ó de la autoridad pública, incluso los tribunales, ó el empleo ó uso fraudulento de algunos de los mismos actos.

11. Falsificación de moneda, sea en metálico ó en papel, de títulos ó cupones de deuda pública, ú otros títulos de crédito público, de billetes de Banco, de sellos, timbres, cuños y marcas de la nación ó de la administración pública, y el expendio, circulación ó uso fraudulento de alguno de los objetos antes mencionados.

12. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

13. Embezzlement or malversation of public funds committed within the jurisdiction of either party by public officers or depositaries.

14. Embezzlement of funds of a bank of deposit, or savings bank, or trust company, chartered under the laws.

15. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them for their ransom or for any other unlawful end.

16. Mayhem and any other wilful mutilation causing disability or death.

18. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

19. Obtaining by threats or injury, or by false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, livestock, or money, of the value of at least twenty-five

12. Importación de instrumentos para falsificar moneda, ó billetes de Banco, ó papel moneda.

13. Peculado ó malversación de fondos públicos, cometidos dentro de la jurisdicción de cualquiera de las Partes Contratantes, por empleados ó depositarios públicos.

14. Abuso de confianza cometido con fondos de un Banco de Depósito ó de una Caja de Ahorros, ó de una Compañía de Depósito, organizada conforme á las leyes.

15. Abuso de confianza por una persona ó personas á sueldo ó salario, en perjuicio de aquel que los tiene á su servicio, cuando el delito está sujeto á una pena conforme á las leyes del lugar donde fué cometido.

16. Plagio de menores ó adultos, entendiéndose por tal el hecho de apoderarse de una persona ó personas, ó detenerlas para exigir dinero por su rescate ó para cualquiera otro fin ilegal.

17. Mutilación ó inutilización de cualquier miembro principal del cuerpo, y cualquiera otra mutilación intencional que cause incapacidad para trabajar, ó la muerte.

18. Destrucción maliciosa ó ilegal, ó la tentativa de destrucción de ferrocarriles, trenes, puentes, vehículos, buques ú otros medios de comunicación, ó de edificios públicos ó privados, cuando el acto cometido ponga en peligro la vida humana.

19. Obtener por medio de amenazas de hacer daño, ó de maquinaciones ó artificios, dinero, valores ú otros bienes muebles, ó la compra de los mismos á sabiendas de cómo se han obtenido, cuando estos delitos estén penados con prisión ú otro castigo corporal por las leyes de ambos países.

20. Hurto ó robo sin violencia, entendiéndose por tal el apoderamiento de efectos, bienes muebles, caballos, ganado vacuno ó de otra

dollars, or receiving stolen property, of that value knowing it to stolen.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offences above enumerated, when such attempt is punishable with prison or other corporal penalty by the laws of both Contracting parties.

IV. That the demanding State present documents which, according to its laws, authorize the provisional arrest and the legal commitment of the offender.

V. That either the offence or penalty has not prescribed, in conformity with the respective laws of both countries.

VI. That the offender, if already sentenced, has not served his sentence.

ART. 2ND. Extradition shall not be granted for political offences or for deeds connected therewith. There shall not be considered as political offences acts which may be classified as pertaining to anarchism, by the legislation of both the demanding country and the country from whom the demand is made.

ART. 3RD. In no case can the nationality of the person accused prevent his or her surrender under the conditions stipulated by the present treaty, but no Government shall be bound to grant the extradition of its own citizens, reserving to itself the right to surrender them when in its judgment it is proper to do so.

ART. 4TH. If the person whose extradition is demanded is subject to penal proceedings, or is detained for having committed an offence in the country where he has sought refuge, his delivery shall be delayed until the end of the proceedings, or until he has served his sentence.

Civil obligations contracted by the accused in the country of

clase, ó de dinero, por valor al menos de veinticinco pesos, ó recibir á sabiendas propiedades sustraídas de ese valor.

21. El conato de algunos de los delitos antes enumerados, cuando esté penado con prisión ú otra pena corporal por las leyes de ambas Partes Contratantes.

IV. Que el Estado requeriente presente documentos que, según sus leyes, autoricen la prisión preventiva y el enjuiciamiento del reo.

V. Que el delito ó la pena no estén prescritos, según las leyes de ambos países.

VI. Que el reo, si ha sido sentenciado, no haya cumplido su condena.

ART. 2º. No podrá concederse la extradición por delitos políticos ó por hechos que les sean conexos. No serán reputados delitos políticos los actos que estén calificados de anarquismo por la legislación del país requeriente y por la del requerido.

ART. 3º. En ningún caso la nacionalidad de la persona acusada podrá impedir su entrega en las condiciones estipuladas por el presente Tratado; pero ningún Gobierno estará obligado á conceder la extradición de sus propios ciudadanos, sino que podrá entregarlos cuando á su juicio sea conveniente hacerlo.

ART. 4º. Si la persona cuya extradición se solicita se encuentra sujeta á un procedimiento penal, ó está detenida por haber delinquido en el país donde se ha refugiado, deberá diferirse su entrega hasta la conclusión del proceso, ó hasta que haya cumplido su condena.

No serán un obstáculo para la entrega las obligaciones civiles que

refuge shall not be an obstacle to his delivery.

ART. 5TH. Extradition, when granted, does not authorize the trial and punishment, of the party surrendered, for a crime different from the one that may have served as ground for the corresponding demand; unless it has connection therewith and is founded upon the same proof as that of the demand.

This stipulation is not applicable to crimes or felonies committed after extradition.

ART. 6TH. If another State or States, by virtue of stipulations in treaties, demand the surrender of the same individual by reason of different felonies, preference shall be given to the demand of the State in whose territory the greatest offence has been committed in the judgment of the State upon which the requisition has been made. If the felonies should be considered of the same degree, preference shall be given to the State that may have priority in the demand for extradition, and if all the demands bear the same date, the country upon which the demand is made shall determine the order of surrender.

ART. 7TH. The requests for extradition shall be presented by the respective diplomatic or consular agents; and, in the absence of these, directly by one Government to another; and they shall be accompanied by the following documents:

I. In regard to alleged delinquents, a legalized copy of the penal law applicable to the offence for which the demand is made, and of the commitment and other requisites referred to in Clause IV of Article 1st., shall be furnished.

II. With regard to those already sentenced, a legalized copy of the final sentence of condemnation.

All data and antecedents necessary to prove the identity of the person whose surrender is asked

el acusado tenga contraídas en el país de refugio.

ART. 5º. La extradición acordada no autoriza el enjuiciamiento y castigo del individuo entregado, por delito distinto del que hubiese servido de fundamento á la demanda respectiva, á no ser que tenga conexión con el que la motivó y se funde en las mismas pruebas de la demanda.

Esta estipulación no se aplica á los crímenes ó delitos cometidos con posterioridad á la extradición.

ART. 6º. Si otro ú otros Estados, en virtud de estipulaciones de tratados, solicitan la entrega de un mismo individuo por motivo de diferentes delitos, se atenderá, en primer lugar, al pedido de aquel en cuyo territorio, á juicio del Estado requerido, se haya cometido la infracción más grave. Si los delitos fueran estimados de la misma gravedad, se dará preferencia al Estado que tenga prioridad en el pedido de extradición; y si todos los pedidos tuvieran la misma fecha, el país requerido determinará el orden de la entrega.

ART. 7º. Las demandas de extradición serán presentadas por medio de los Agentes Diplomáticos ó Consulares respectivos; y á falta de éstos, directamente de Gobierno á Gobierno; ó irán acompañadas de los siguientes documentos:

I. Respecto de los presuntos delinquentes: copia legalizada de la ley penal aplicable á la infracción que motivare la demanda, y del auto de prisión y demás documentos á que se refiere la fracción IV del artículo 1º.

II. Respecto de los sentenciados: copia legalizada de la sentencia condenatoria ejecutoriada.

Deberá tambien acompañarse á la demanda todos los datos y antecedentes necesarios para establecer

for, shall also accompany the demand.

ART. 8TH. In cases of urgency, the provisional detention of the individual asked for may be granted on a telegraphic request, from the demanding Government to the Minister of Foreign Affairs, or to the proper authority of the country upon which the demand shall be made, and wherein a promise shall be made of sending the documents mentioned in the foregoing article; but the person detained shall be set free, if such documents are not presented within the term that may be designated by the nation on which the demand has been made, provided such term shall not exceed three months, to be counted from the date of the detention.

ART. 9TH. The demand for extradition, in so far as the procedure is concerned, the determination of the genuineness of its origin, the admission and competency of the exception with which they can be opposed by the criminal or fugitive demanded, shall be submitted, whenever they do not conflict with the prescriptions of this Treaty, to the decision of the competent authorities of the country of refuge, which shall proceed in accordance with the legal provisions and practices established for such a case in said country. The fugitive criminal is guaranteed the right of habeas corpus, or the protection (recurso de amparo) of his individual guarantees.

ART. 10. All property which may be found in the possession of the accused, should he have obtained it through the perpetration of the act of which he is accused, which may serve as a proof of the crime for which his extradition is asked, shall be confiscated and delivered up with his person. Nevertheless, due recognition shall be given to the rights of third parties

la identidad de la persona cuya extradición se reclamare.

ART. 8º. En caso de urgencia, se podrá conceder la detención provisional del individuo reclamado, en virtud de petición telegráfica del Gobierno requeriente al Ministerio de Relaciones Exteriores, ó á la autoridad competente del requerido, en la cual se prometa el envío de los documentos indicados en el artículo anterior; pero el detenido será puesto en libertad, si éstos no fueren presentados dentro del término que fije la nación requerida, no excediendo de tres meses, contados desde la fecha del arresto.

ART. 9º. La demanda de extradición, en cuanto á sus trámites, á la apreciación de la legitimidad de su procedencia, y á la admisión y calificación de las excepciones con que pudiese ser impugnada por parte del reo ó prófugo reclamado, quedará sujeta, en lo que no se oponga á lo prescrito en este Tratado, á la decisión de las autoridades competentes del país de refugio, las cuales arreglarán sus procedimientos á las disposiciones y prácticas legales establecidas para el caso en el mismo país. Queda garantizado al reo prófugo el derecho de usar el recurso de *Habeas Corpus* ó amparo de sus garantías individuales.

ART. 10. Todos los objetos que se encontraren en poder del acusado, si los hubiere obtenido por medio de la perpetración del hecho de que se le acusa, ó pudiesen servir de prueba del delito por el cual se pide su extradición, serán secuestrados y entregados con su persona. Sin embargo, quedarán á salvo los derechos de terceros sobre las cosas secuestradas, si no

to the confiscated articles, provided they are not implicated in the accusation.

ART. 11. The transit through the territory of one of the Contracting States of any individual delivered by a third country to another State not belonging to the country of transit, shall be granted on the simple presentation, either of the original or of a legalized copy of the resolution granting the extradition by the Government of the country of refuge.

ART. 12. All expenses connected with extradition of the fugitive shall be for the account of the demanding State, with the exception of the compensation to the public functionaries who receive a fixed salary.

ART. 13. The extradition of any individual guilty of acts of anarchism can be demanded whenever the legislation of the demanding State and of that on which the demand is made has established penalties for such acts. In such case, it shall be granted, although the individual whose extradition be demanded may be liable to imprisonment of less than two years.

ART. 14. The Contracting Governments agree to submit to arbitration all controversies which may arise out of the interpretation or carrying into effect of this Treaty, when all means for a direct settlement by friendly agreements shall have failed.

Each Contracting Party shall name an arbitrator, and the two shall name an umpire, in case of dispute. The Committee of Arbitrators shall adopt the rules for the arbitration proceedings in every case.

ART. 15. The present Treaty shall remain in force for five years from the day on which the last exchange of ratifications shall have been made and shall remain in force for another term of five years, if it should not have been

estuviesen implicadas en la acusación.

ART. 11. El tránsito por el territorio de uno de los Estados Contratantes, de algún individuo entregado por tercera Potencia á otro Estado y que no pertenezca al país de tránsito, será concedido mediante la simple presentación, en original ó en copia legalizada de la resolución, en que se haya concedido la extradición por el Gobierno del país de refugio.

ART. 12. Todos los gastos ocasionados con la extradición de un prófugo serán á cargo del Estado requeriente, exceptuándose las compensaciones de los funcionarios públicos que reciban sueldos fijos.

ART. 13. La extradición de todo individuo culpable de actos de anarquismo puede pedirse siempre que la legislación de los Estados, requeriente y requerido, haya establecido la pena para dichos actos. En este caso, la extradición se concederá aun cuando el delito imputado al reclamado tuviere una pena menor de dos años de prisión.

ART. 14. Los Gobiernos Contratantes convienen en sujetar á arbitraje las controversias que puedan suscitarse acerca de la interpretación ó ejecución de este Tratado, cuando se hayan agotado los medios de arreglo directo.

Cada Parte Contratante nombrará un árbitro, y los dos árbitros designarán un tercero para el caso de discordia. La Comisión de Arbitros determinará el procedimiento arbitral en cada caso.

ART. 15. El presente Tratado permanecerá en vigor durante cinco años, contados desde el día en que se haga el último canje de ratificaciones, y seguirá en vigor por otros cinco años más, si doce meses antes de que expire el primer



denounced twelve months before the expiration of that period. In case any Government or Governments should denounce it, it shall remain in force among the other Contracting Parties. This Treaty shall be ratified, and the ratifications shall be exchanged in the city of Mexico, within one year from the time of its being signed.

ART. 16. If any of the High Contracting Parties should have concluded treaties of extradition among themselves, such treaties shall be amended only in the part modified or altered by the provisions of the present Treaty.

#### TRANSITORY ARTICLE:

The representatives of Costa Rica, Ecuador, Honduras and Nicaragua sign this Treaty with the reserve that their respective Governments shall not deliver the culprit who deserves the death penalty, according to the legislation of the demanding countries, except under the promise that such penalty shall be commuted for the one next below in severity.

If the Governments of the above mentioned Delegations sustain the same reserve on ratifying the present Treaty, the latter will only bind them with those Governments which accept the conditions referred to.

In Testimony whereof the Plenipotentiaries and Delegates sign the present Treaty and set thereto the Seal of the Second International American Conference;

Made in the City of Mexico, on the twenty-eighth day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in

período de cinco años no fuere denunciado. En el caso de que alguno ó algunos de los Gobiernos lo denunciare, seguirá en vigor entre las otras Partes Contratantes. Esta Convención será ratificada y las ratificaciones se canjearán en la Ciudad de México, dentro del término de un año de su firma.

ART. 16. Si algunas de las Altas Partes Contratantes hubieren celebrado ya entre sí tratados de extradición, quedarán éstos reformados solamente en la parte modificada ó alterada por las disposiciones del presente.

#### ARTÍCULO TRANSITORIO.

Los representantes de Costa Rica, Ecuador, Honduras y Nicaragua firman este Tratado con la reserva de que sus respectivos Gobiernos no entregarán á los delinquentes que merezcan pena de muerte, según la legislación de los países requerientes, sino bajo la promesa de que se les conmutará esa pena por la inmediata inferior.

Si los Gobiernos de las Delegaciones mencionadas mantienen la misma reserva al ratificar el presente Tratado, éste los ligará únicamente con aquellos que acepten la mencionada condición.

En fe de lo cual los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México el día veintiocho de Enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas

order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.  
(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUA-  
CHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chili,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQ. WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I  
CARVAJAL.

For Ecuador,  
(Signed) L. F. CARBO.

For El Salvador,  
(Signed) FRANCISCO A. REYES.  
(Signed) BALTASAR ESTUPINIAN.

For the United States of America,  
(Signed) W. I. BUCHANAN.  
(Signed) CHARLES M. PEPPER.  
(Signed) VOLNEY W. FOSTER.

For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti,  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.  
(Signed) F. DÁVILA.

For Mexico,  
(Signed) G. RAIGOSA.  
(Signed) JOAQUIN D. CASASÚS.  
(Signed) E. PARDO, Jr.  
(Signed) JOSÉ LOPEZ PORTILLO  
Y ROJAS.

(Signed) PABLO MACEDO.  
(Signed) F. L. DE LA BARRA.  
(Signed) ALFREDO CHAVERO.  
(Signed) M. SANCHEZ MARMOL.  
(Signed) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. D

For Paraguay,  
(Signed) CECILIO BAEZ.

por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.  
(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUA-  
CHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chile,  
(Firmado) AUGUSTO MATTE.  
(Firmado) JOAQ. WALKER M.  
(Firmado) EMILIO BELLO C.

Por la República Dominicana,  
(Firmado) FED. HENRÍQUEZ I  
CARVAJAL.

Por Ecuador,  
(Firmado) L. F. CARBO.

Por El Salvador,  
(Firmado) FRANCISCO A. REYES.  
(Firmado) BALTASAR ESTUPIN-  
IAN.

Por los Estados Unidos de América,  
(Firmado) W. I. BUCHANAN.  
(Firmado) CHARLES M. PEPPER.  
(Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
(Firmado) FRANCISCO ORLA.

Por Haití,  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.  
(Firmado) F. DÁVILA.

Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO (jr.)  
(Firmado) JOSÉ LÓPEZ-PORTI-  
LLO Y ROJAS.

(Firmado) PABLO MACEDO.  
(Firmado) F. L. DE LA BARRA.  
(Firmado) ALFREDO CHAVERO.  
(Firmado) M. SÁNCHEZ MÁR-  
MOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ CALDERON.  
(Signed) ALBERTO ELMORE.  
For Uruguay,  
(Signed) JUAN CUESTAS.

Por Perú.  
(Firmado) MANUEL ALVAREZ CALDERÓN.  
(Firmado) ALBERTO ELMORE.  
Por Uruguay,  
(Firmado) JUAN CUESTAS.

## APPENDIX B B.

*Convention on the Practice of Learned Professions.*

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Antonio Bermejo, His Excellency Martín García Mérou, His Excellency Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chili.*—His Excellency Alberto Blest Gana, His Excellency

*Convención sobre el ejercicio de profesiones liberales.*

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. General D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D.

Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*For the Dominican Republic.*—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinán.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

*For Haiti.*—His Excellency J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Dávila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasús, His Excellency José López-Portillo y Rojas, His Excellency Emilio Pardo, jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communi-

Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por el Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinán.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sr. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haití.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López-Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Marmol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. Dr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse co-

cated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to celebrate a Convention on the Practice of learned Professions, in the following terms:

ART. 1st. The citizens of any of the Republics signing the present Convention, may freely exercise the profession for which they may be duly authorized by diploma or title granted by a competent national authority, of each one of the Signatory States, in any of the territories of the other nations, provided that such diploma or title complies with the regulations established in Articles 4th. and 5th., and that the laws of the country, in which it is desired to practice the profession, do not require the practitioner to be a citizen.

The certificates of preparatory and higher studies, issued by any of the countries, parties to this Convention, in favor of citizens of one of their number, shall have in all the rest of the contracting countries the same effect as those authorized by the laws of the Republics of their origin, provided that they do not confer greater advantages than those recognized by the legislation of the country in which such certificates are to be used, and provided that there shall be reciprocity.

ART. 2ND. With respect to the professional titles issued by the colleges or universities of each State, Territory and of the District of Columbia, of the United States of America, in view of the fact that those institutions are not under the control of the Federal Government, nor in many cases under that of the State Governments, the signatory countries

municado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el de Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención para el ejercicio de profesiones liberales, en los siguientes términos:

ART. 1º. Los ciudadanos de cualquiera de las Repúblicas que subscriben la presente Convención, podrán ejercer libremente en el territorio de las otras, la profesion para la cual estuvieren habilitados con un diploma ó título expedido por la autoridad competente en cada una de los países signatarios; con tal que dicho diploma ó título cumpla con los requisitos establecidos en los arts. 4º. y 5º., siempre que la ley del país en que va á ejercerse la profesión no exija para su ejercicio la calidad de ciudadano.

Los certificados de estudios preparatorios ó superiores, expedidos en cualquiera de los países que celebran esta Convención, en favor de nacionales de uno de ellos, producirán en todos los demás países contratantes los mismos efectos que les atribuyere la ley de las Repúblicas de donde emanen, siempre que haya reciprocidad y no resulten ventajas superiores á las reconocidas por la legislación del país en que se quiera hacer use de esos certificados.

ART. 2º. Por lo que respecta á los títulos profesionales procedentes de los colegios ó universidades de cada Estado, Territorio y Distrito de Columbia de los Estados Unidos de América, en vista de que esas instituciones no se hallan bajo el patronato del Gobierno Federal, ni en muchos casos del de los Gobiernos de los Estados, sólo se reconocerán por los países signatarios

shall only recognize the titles and diplomas issued by the colleges and universities of those States, whose legislation offers reciprocity, and which shall have been issued according to the conditions provided in Article 5th. of this Convention.

ART. 3RD. Each one of the Contracting Parties reserves to itself, however, the right to require of the citizens of another country, who may present diplomas or titles of physician or of any other profession related to surgery or medicine, including that of pharmacy, that they submit themselves to a previous general examination in the branch of the profession which the respective titles or diplomas may authorize to be practiced, in such a manner as may be determined by each Government.

ART. 4TH. Each one of the High Contracting Parties shall give official notice to the others which are the universities or institutions of learning in the Signatory Countries whose titles or diplomas are accepted as valid by the others for the practice of the professions which form the subject of this Convention.

As regards the observance of the foregoing provision by the United States of America, the Department of State of that country shall acquaint the other Signatory Republics with the legislative acts of the respective States of the United States relating to the recognition of the titles or diplomas of the said Signatory Republics and it shall convey, to the various States of the United States whose legislation admits of reciprocity, the information which it may receive, making known the titles and diplomas of the respective institutions of learning or Universities of the other Republics which the latter may recommend as valid.

The other High Contracting

los títulos ó diplomas expedidos por los colegios ó universidades de los Estados cuya legislación ofreciere reciprocidad y que hubieren sido expedidos según las condiciones prescriptas en el art. 5º. de esta Convención.

ART. 3º. Cada una de las Partes Contratantes se reserva, sin embargo, el derecho de exigir á los ciudadanos de las otras, que presenten diplomas ó títulos de Médico ó de cualquiera otra profesión relacionada con la cirugía y la medicina, incluyéndose también la de farmacéutico, que se sometan á un previo examen general sobre los ramos de la profesión que acredita el título ó diploma respectivo, en la forma que cada Gobierno determine.

ART. 4º. Cada una de las Altas Partes Contratantes pondrá en conocimiento de las otras, cuáles son sus universidades ó cuerpos docentes, cuyos títulos ó diplomas deban ser aceptados por los demás, como válidos para el ejercicio de las profesiones de que trata esta Convención.

Por lo que respecta á la observancia de la disposición anterior por parte de los Estados Unidos de América, el Departamento de Estado de este país pondrá en conocimiento de las otras Repúblicas signatarias, todos los actos legislativos de los respectivos Estados de los Estados Unidos referentes al reconocimiento de los títulos ó diplomas de los demás países firmantes, y transmitirá á los distintos Estados de los Estados Unidos, cuya legislación ofreciere reciprocidad, las informaciones que reciba, dando á conocer los títulos y diplomas de los respectivos cuerpos docentes ó universidades de las otras Repúblicas que éstas recomendaren como válidas. Las demás Partes Contratantes re-

Parties shall give due recognition to the titles and diplomas of the Universities of the States, Territories and District of Columbia of the United States, which each one of the said High Contracting Parties may select.

Notwithstanding this provision, the educational institutions of the United States, which may not be recognized by the other Signatory Republics and which may consider themselves sufficiently entitled to it, may solicit the recognition of their professional diplomas by the respective Governments, by means of a petition to be accompanied with the corresponding proofs, which shall be passed upon in the manner which each Government may deem proper.

ART. 5TH. The diploma, title or certificate of preparatory or higher studies, duly authenticated, and the certification of identification of the person, given by the respective diplomatic or consular agent accredited to the country which has issued any of these documents, shall be sufficient to meet the requirements contemplated by this Convention, after they have been registered in the Department of Foreign Relations of the country in which it is desired to practice the profession, which Department shall inform the proper authorities of the country in which the respective title may have been issued, that these requisites have been complied with.

ART. 6TH. The present Convention does not modify in any manner the Treaties which the High Contracting Parties have now in force and which may offer greater privileges.

ART. 7TH. The present Convention shall remain in force indefinitely, but any of the High Contracting Parties may abrogate it, in so far as such country is concerned, one year after having formally denounced it.

conocerán los títulos y diplomas de las Universidades de los Estados, territorios y del Distrito de Columbia de los Estados Unidos que cada una de ellas eligiere.

No obstante esta disposición, aquellas instituciones docentes de los Estados Unidos que no fueren reconocidas por las demás Repúblicas signatarias y que se consideraren con títulos suficientes para serlo, podrán solicitar el reconocimiento de sus diplomas profesionales ante los Gobiernos respectivos, mediante una solicitud acompañada de los justificativos correspondientes, los que serán calificados por la autoridad competente de cada uno de los países contratantes.

ART. 5°. El diploma, título ó certificado de estudios preparatorios y superiores, debidamente autenticados, y el certificado de identidad de persona expedido por el respectivo agente diplomático ó consular, acreditado en la nación que hubiere otorgado cualquiera de esos documentos, producirán los efectos pactados en la presente Convención, después que hayan sido registrados en el Ministerio de Relaciones Exteriores del país en que se desea ejercer la profesión; debiendo dicho Departamento de Estado poner este trámite en conocimiento de la Cancillería del país de donde el título emana.

ART. 6°. La presente Convención no altera en manera alguna los tratados que las Altas Partes Contratantes tengan actualmente en vigor y ofrezcan mayores franquicias.

ART. 7°. La presente Convención regirá por tiempo indeterminado, pudiendo cualquiera de las Altas Partes Contratantes hacerla cesar, por lo que á ella respecta, un año después de haberla formalmente denunciado á las otras.

There shall not be indispensable for the enforcement of this Convention its simultaneous ratification by all the Signatory Nations. The country approving it, shall communicate such approval to the other States, through diplomatic channels, and such proceedings shall answer the purpose of an exchange of ratifications.

In Testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chile,

(Signed) AUGUSTO MATTE.

(Signed) JOAQUIN WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTASAR ESTUPINIAN.

For the United States of America,

(Signed) W. I. BUCHANAN.

(Signed) CHARLES M. PEPPER.

(Signed) VOLNEY W. FOSTER.

No será indispensable para la vigilancia de esta Convención su ratificación simultánea por todas las Naciones signatarias. La que lo apruebe lo comunicará á las demás por la vía diplomática, y este procedimiento hará las veces de canje.

En fe de lo cual, los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día veintiocho de Enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rica,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AUGUSTO MATTE.

(Firmado) JOAQUIN WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRIQUEZ I CARVAJAL.

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

(Firmado) BALTASAR ESTUPINIAN.

Por los Estados Unidos de América,

(Firmado) W. I. BUCHANAN.

(Firmado) CHARLES M. PEPPER.

(Firmado) VOLNEY W. FOSTER.



For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti,  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.

(Signed) F. DÁVILA.

For Mexico,  
(Signed) G. RAIGOSA.  
(Signed) JOAQUÍN D. CASASÚS.  
(Signed) E. PARDO, Jr.  
(Signed) JOSÉ LOPEZ PORTILLO  
Y ROJAS.

(Signed) PABLO MACEDO.

(Signed) F. L. DE LA BARRA.

(Signed) ALFREDO CHAVERO.

(Signed) M. SANCHEZ MÁRMOL.

(Signed) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. DÁVILA.

For Paraguay,  
(Signed) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ  
CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,  
(Signed) JUAN CUESTAS

Por Guatemala,  
(Firmado) FRANCISCO ORLA

Por Haití,  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.

(Firmado) F. DÁVILA.

Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO, Jr.  
(Firmado) JOSÉ LÓPEZ-POR-  
TILLO Y ROJAS.

(Firmado) PABLO MACEDO.

(Firmado) F. L. DE LA BARRA.

(Firmado) ALFREDO CHAVERO.

(Firmado) M. SÁNCHEZ MÁR-  
MOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILIO BAEZ.

Por Perú,  
(Firmado) MANUEL ALVAREZ  
CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,  
(Firmado) JUAN CUESTAS.

#### APPENDIX C C.

*Convention for the formation of  
Codes on Public and Private In-  
ternational Law.*

Their Excellencies the Presi-  
dents of the Argentine Republic,  
Bolivia, Colombia, Costa Rica,  
Chili, the Dominican Republic,  
Ecuador, El Salvador, the United  
States of America, Guatemala,  
Haiti, Honduras, the United Mex-  
ican States, Nicaragua, Paraguay,  
Peru and Uruguay,

Desiring that their respective  
countries should be represented  
at the Second International Amer-

*Convención para la formación de  
los Códigos de Derecho Interna-  
cional, Público y Privado de  
América.*

Sus Excelencias el Presidente  
de la República Argentina, el de  
Bolivia, el de Colombia, el de Costa  
Rica, el de Chile, el de la Repú-  
blica Dominicana, el del Ecuador,  
el de El Salvador, el de los Estados  
Unidos de América, el de Guate-  
mala, el de Haití, el de Honduras,  
el de los Estados Unidos Mexi-  
canos, el de Nicaragua, el del Para-  
guay, el del Perú y el del Uruguay;

Deseando que sus países respec-  
tivos fueran representados en la  
Segunda Conferencia Interna-

ican Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—Their Excellencies Dr. Antonio Bermejo, Martín García Mérou, Dr. Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—Their Excellencies Carlos Martínez Silva, General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chile.*—Their Excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquín Walker Martínez, Augusto Matte.

*For the Dominican Republic.*—Their Excellencies Federico Henríquez y Carvajal, Luis Felipe Carbo, Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—Their Excellencies Francisco A. Reyes, Baltasar Estupinian.

*For the United States of America.*—Their Excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

*For Guatemala.*—Their Excellencies Dr. Antonio Lazo Arriaga, Colonel Francisco Orla.

*For Haiti.*—His Excellency Dr. J. N. Léger.

*For Honduras.*—Their Excellencies José Leonard, Fausto Dávila.

*For Mexico.*—Their Excellencies Genaro Raigosa, Joaquín D. Casasús, José López-Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Fran-

cional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. General D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinian.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sr. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. Dr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haiti.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr.,

cisco L. de la Barra, Manuel Sánchez Marmol, Rosendo Pineda.

*For Nicaragua.*—Their Excellencies Luis F. Corea, Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—Their Excellencies Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to a Convention for the formation of Codes on Public and Private International Law in the following terms:

ARTICLE 1ST. The Secretary of State of the United States of America and the Ministers of the American Republics accredited in Washington shall appoint a Committee of five American and two European jurists, of acknowledged reputation, to be entrusted with the drafting, during the interval from the present to the next Conference, and in the shortest possible time, of a "Code of Public International Law" and another of "Private International Law" which will govern the relations between the American Nations.

ARTICLE 2ND. As soon as said Codes have been drafted, the Committee shall cause them to be printed and submit them to the consideration of the respective

Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López-Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Marmol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el de Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención para la formación de los Códigos de Derecho Internacional Público y Privado de América, en los siguientes términos:

ART. 1º. El Secretario de Estado de los Estados Unidos de América y los Ministros de las Repúblicas signatarias, acreditados en Washington, nombrarán una Comisión de cinco jurisconsultos de América y dos europeos de reconocida reputación, que se encargarán de organizar, en el intervalo de la actual á la futura Conferencia, y á la mayor brevedad posible, un Código de Derecho Internacional Público y otro de Derecho Internacional Privado, que regirán las relaciones entre las Naciones de América.

ART. 2º. Redactados dichos Códigos, la Comisión los hará imprimir, y los someterá á consideración de los Gobiernos de las Naciones americanas, para que propongan

Governments of the American Nations, in order that they may make such suggestions as they may deem advisable.

ARTICLE 3RD. After said suggestions have been systematically classified, and the Codes have been revised in conformity with them by the Committee which drafted them, they shall be submitted again to the Governments of the American Republics to be adopted by those who desire it, either in the next American International Conference or by means of Treaties negotiated directly.

ARTICLE 4TH. The Committee in charge of the drafting of the Codes shall conduct its work at such European or American capital as the Diplomatic Corps authorized to appoint it may designate, in conformity with Article 1st.

Such expense as may be incurred by this Convention shall be defrayed by the Signatory Governments in the same form and proportion as those in force with regard to the Bureau of American Republics.

ARTICLE 5TH. The Governments that may desire to ratify the present Convention may communicate it to the Secretary of State of the United States of America, within one year counted from the closing of this Conference.

In Testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference;

Made in the City of Mexico on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in the order

las observaciones que juzguen convenientes.

ART. 3º. Coordinadas sistemáticamente esas observaciones y revisados los Códigos, conforme á ellas, por la Comisión que los haya redactado, esos Códigos serán nuevamente sometidos á los Gobiernos de las Repúblicas de América, para que los adopten los Estados que así lo tengan á bien, ya sea en la próxima Conferencia Internacional Americana ó ya por medio de tratados celebrados directamente.

ART. 4º. La Comisión encargada de la redacción de los Códigos funcionará en la capital europea ó americana que designe el Cuerpo diplomático autorizado para nombrarla, conforme al art. 1º.

Los gastos que ocasione esta Convención serán cubiertos por los Gobiernos signatarios, en la forma y proporción acordadas para la actual Oficina Internacional de las Repúblicas Americanas.

ART. 5º. Los Gobiernos que tengan á bien ratificar la presente Convención, lo comunicarán al Secretario de Estado de los Estados Unidos de América, antes de un año, contado desde la clausura de esta Conferencia.

En fe de lo cual los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México el día veintisiete de Enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para en-

to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chili,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQU. WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I CARVAJAL.

For Ecuador,  
(Signed) L. F. CARBO.

For El Salvador,  
(Signed) FRANCISCO A. REYES.  
(Signed) BALTASAR ESTUPINIAN.

For the United States of America,  
(Signed) W. I. BUCHANAN.  
(Signed) CHARLES M. PEPPER.  
(Signed) VOLNEY W. FOSTER.

For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti,  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.  
(Signed) F. DAVILA.

For Mexico,  
(Signed) G. RAIGOSA.  
(Signed) JOAQUIN D. CASASÚS.  
(Signed) E. PARDO, Jr.  
(Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS.

(Signed) PABLO MACEDO.  
(Signed) F. L. DE LA BARRA.  
(Signed) ALFREDO CHAVERO.  
(Signed) M. SANCHEZ MARMOL.  
(Signed) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. DAVILA.

For Paraguay,  
(Signed) CECILIO BAEZ.

viarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.  
(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chile,  
(Firmado) AUGUSTO MATTE.  
(Firmado) JOAQU. WALKER M.  
(Firmado) EMILIO BELLO C.

Por la República Dominicana,  
(Firmado) FED. HENRÍQUEZ I CARVAJAL.

Por Ecuador,  
(Firmado) L. F. CARBO.

Por El Salvador,  
(Firmado) FRANCISCO A. REYES.  
(Firmado) BALTASAR ESTUPINIAN.

Por los Estados Unidos de América,  
(Firmado) W. I. BUCHANAN.  
(Firmado) CHARLES M. PEPPER.  
(Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
(Firmado) FRANCISCO ORLA.

Por Haití,  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.  
(Firmado) F. DÁVILA.

Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO (Jr.).  
(Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS.

(Firmado) PABLO MACEDO.  
(Firmado) F. L. DE LA BARRA.  
(Firmado) ALFREDO CHAVERO.  
(Firmado) M. SÁNCHEZ MÁRMOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ CALDERÓN.  
(Signed) ALBERTO ELMORE.  
For Uruguay,  
(Signed) JUAN CUESTAS.

Por Perú,  
(Firmado) MANUEL ALVAREZ CALDERÓN.  
(Firmado) ALBERTO ELMORE.  
Por Uruguay,  
(Firmado) JUAN CUESTAS.

## APPENDIX D D.

*Convention on Literary and Artistic Copyrights.*

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the Mexican United States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Antonio Bermejo, His Excellency Martín García Mérou, His Excellency Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chili.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*For the Dominican Republic.*—

*Convención para la protección de las obras literarias y artísticas.*

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. General D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—

His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

*For Haiti.*—His Excellency J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Dávila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasús, His Excellency José López Portillo y Rojas, His Excellency Emilio Pardo, Jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the

Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. Dr. D. Baltasar Estupinian.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. Dr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haiti.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Marmol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. Dr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los Representantes de SS. EE. el Presidente de los Esta-

Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to celebrate a convention on literary and artistic copyrights, in the following terms:

ART. 1ST. The signatory States constitute themselves into a Union for the purpose of recognizing and protecting the rights of literary and artistic property, in conformity with the stipulations of the present Convention.

ART. 2ND. Under the term "Literary and Artistic works," are comprised books, manuscripts, pamphlets of all kinds, no matter on what subject they may treat of and what may be the number of their pages; dramatic or melodramatic works; choral music and musical compositions, with or without words, designs, drawings, paintings, sculpture, engravings, photographic works; astronomical and geographical globes; plans, sketches and plastic works relating to geography or geology, topography or architecture, or any other science; and finally, every production in the literary and artistic field, which may be published by any method of impression or reproduction.

ART. 3RD. The copyright to literary or artistic work, consists in the exclusive right to dispose of the same, to publish, sell and translate the same, or to authorize its translation, and to reproduce the same in any manner, either entirely or partially.

The authors belonging to one of the signatory countries, or their assigns, shall enjoy in the other signatory countries, and for the time stipulated in art. 5th., the exclusive right to translate their works, or to authorize their translation.

ART. 4TH. In order to obtain the

dos Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención para la protección de las obras literarias y artísticas, en los términos siguientes:

ART. 1º. Los Estados signatarios se constituyen en Unión para reconocer y proteger los derechos de propiedad literaria y artística, de conformidad con las estipulaciones de la presente Convención.

ART. 2º. En la expresión "obras literarias y artísticas," se comprenden los libros, escritos, folletos de todas clases, cualquiera que sea la materia de que traten y cualquiera que sea el número de sus páginas; las obras dramáticas ó dramático-musicales; las coreografías, las composiciones musicales con ó sin palabras; los dibujos, las pinturas, las esculturas, los grabados; las obras fotográficas, las esferas astronómicas ó geográficas; los planos, croquis ó trabajos plásticos relativos á geografía ó geología, á topografía ó arquitectura, ó á cualquiera ciencia; y, en fin, queda comprendida toda producción del dominio literario y artístico que pueda publicarse por cualquier medio de impresión ó reproducción.

ART. 3º. El derecho de propiedad de una obra literaria ó artística comprende, para su autor ó causa-habientes, la facultad exclusiva de disponer de ella, de publicarla, de enajenarla, de traducirla ó de autorizar su traducción, y de reproducirla en cualquiera forma, ya total, ya parcialmente.

Los autores pertenecientes á uno de los países signatarios ó sus causa-habientes gozan en los otros países signatarios, y por el tiempo determinado en el artículo 5º, del derecho exclusivo de hacer ó autorizar la traducción de sus obras.

ART. 4º. Para obtener el recono-



recognition of the copyright of a work, it is indispensable that the author or his assigns, or legitimate representative, shall address a petition to the official Department, which each government may designate, claiming the recognition of such right, which petition must be accompanied by two copies of his work, said copies to remain in the proper Department.

If the author, or his assigns, should desire that his copyright be recognized in any other of the signatory countries, he shall attach to his petition a number of copies of his work, equal to that of the countries he may therein designate. The said Department shall distribute the copies mentioned among those countries, accompanied by a copy of the respective certificate, in order that the copyright of the author may be recognized by them.

Any omissions in which the said Department may incur in this respect, shall not give the author, or his assigns, any rights to present claims against the State.

ART. 5TH. The authors who belong to one of the signatory countries, or their assigns, shall enjoy in the other countries the rights which their respective laws at present grant, or in the future may grant, to their own citizens, but such right shall not exceed the term of protection granted in the country of its origin.

For the works composed of several volumes, which are not published at the same time, as well as for bulletins or instalments of publications of literary or scientific societies, or of private parties, the term of property shall commence to be counted from the date of the publication of each volume, bulletin, or instalment.

ART. 6TH. The country in which a work is first published, shall be

cimiento del derecho de propiedad de una obra, es condición indispensable que el autor ó sus causa-habientes, ó su representante legítimo, dirijan al departamento oficial que cada Gobierno firmante designe, una solicitud pidiendo el reconocimiento de aquel derecho, acompañada de dos ejemplares de su obra, que quedarán en el departamento referido.

Si el autor ó sus causa-habientes desearan que el derecho de propiedad les sea reconocido en otros de los países signatarios, acompañarán además á su solicitud tantos ejemplares de su obra, cuantos sean los países que designen.

El mencionado departamento oficial distribuirá entre dichos países los ejemplares referidos acompañados de una copia del certificado, á efecto de que sea en aquéllos reconocido el derecho de propiedad al autor.

Las omisiones en que el departamento pudiera incurrir á este respecto, no darán derecho al autor ó sus causa-habientes, para entablar reclamaciones contra el Estado.

ART. 5º. Los autores que pertenezcan á uno de los países signatarios, ó sus causa-habientes, gozarán en los otros países los derechos que las leyes respectivas acuerden actualmente ó acordaren en lo sucesivo á los nacionales, sin que el goce de esos derechos pueda exceder del término de protección acordado en el país de origen.

Para las obras compuestas de varios volúmenes que no se publiquen juntamente, del mismo modo que para los boletines ó entregas de sociedades literarias ó científicas, ó de particulares, el plazo de propiedad comenzará á contarse, respecto de cada volumen, boletín ó entrega, desde la respectiva fecha de su publicación.

ART. 6º. Se considerará como país de origen de una obra, el de

considered as the country of its origin, or, if such publication takes place simultaneously in several of the signatory countries, the one whose laws establish the shortest period of protection shall be considered as the country of its origin.

ART. 7TH. Lawful translations shall be protected in the same manner as original works. The translators of works, in regard to which there exists no guaranteed right of property, or the right of which may have become extinguished, may secure the right of property for their translations, as established in article 3rd., but they shall not prevent the publication of other translations of the same work.

ART. 8TH. Newspaper articles may be reproduced, but the publication from which they are taken must be mentioned, and the name of the author given, if it should appear in the same.

ART. 9TH. Copyright shall be recognized in favor of the persons, whose names, or acknowledged pseudonyms, are stated in the respective literary or artistic work, or in the petition to which Article 4th. of this Convention refers, excepting case of proof to the contrary.

ART. 10TH. Addresses delivered or read in deliberative assemblies, before the Courts of Justice and in public meetings, may be published in the newspaper press without any special authorization.

ART. 11TH. The reproduction in publications devoted to public instruction or chrestomathy, of fragments of literary or artistic works, confers no right of property, and may therefore be freely made in all the signatory countries.

ART. 12TH. All unauthorized indirect use of a literary or artistic

su primera publicación, ó si ésta ha tenido lugar simultáneamente en varios de los países signatarios, aquel cuya legislación fije el término de protección más corto.

ART. 7º. Las traducciones lícitas son protegidas como las obras originales. Los traductores de obras, acerca de los cuales no exista ó se hubiere extinguido el derecho de propiedad garantizado, podrán obtener respecto de sus traducciones, los derechos de propiedad declarados en el art. 3º; mas no podrán impedir la publicación de otras traducciones de la misma obra.

ART. 8º. Los artículos de periódicos podrán reproducirse salvos los plazos que designen las leyes locales, citándose la publicación de donde se tomen y expresándose el nombre del autor, si apareciere en ella.

ART. 9º. El derecho de propiedad se reconocerá, salva prueba en contrario, á favor de las personas cuyos nombres ó pseudónimos reconocidos estén indicados en la obra literaria ó artística ó en la solicitud á que se refiere el art. 4º de esta Convención.

ART. 10. Pueden publicarse en la prensa periódica, sin necesidad de autorización alguna, los discursos pronunciados ó leídos en asambleas deliberantes, ante los tribunales de justicia ó en las reuniones públicas.

ART. 11. La reproducción de fragmentos de obras literarias ó artísticas en publicaciones destinadas á la enseñanza ó para chrestomatías, no confiere ningún derecho de propiedad y puede, por consiguiente, ser hecha libremente en todos los países signatarios.

ART. 12. Se considerarán reproducciones ilícitas las apropiaciones

work, which does not present the character of an original work, shall be considered as an unlawful reproduction.

It shall be considered in the same manner unlawful to reproduce, in any form, an entire work, or the greater part of the same, accompanied by notes or commentaries, under the pretext of literary criticism, or of enlargement or complement of an original work.

ART. 13TH. All fraudulent works shall be liable to sequestration in the signatory countries in which the original work may have the right of legal protection, without prejudice to the indemnities or punishments, to which the falsifiers may be liable according to the laws of the country, in which the fraud has been committed.

ART. 14TH. Each one of the Governments of the signatory countries shall remain at liberty to permit, exercise vigilance over, or prohibit, the circulation, representation and exposition of any work or production, in respect to which the competent authorities shall have power to exercise such right.

ART. 15TH. The present Convention shall take effect between the signatory States that ratify it, three months from the day they communicate their ratification to the Mexican Government, and shall remain in force among all of them until one year from the date it is denounced by any of said States. The notification of such denouncement shall be addressed to the Mexican Government and shall only have effect in so far as regards the country which has given it.

ART. 16TH. The Governments of the signatory States, when approving the present Convention, shall declare whether they accept the adherence to the same by the nations who have had no representation in the Second International American Conference.

indirectas no autorizadas, de una obra literaria ó artística y que no presenten el carácter de obra original.

Será también considerada ilícita la reproducción, en cualquiera forma, de una obra íntegra ó de la mayor parte de ella, acompañada de notas ó comentarios, á pretexto de crítica literaria, de ampliación ó complemento de la obra original.

ART. 13. Toda obra falsificada podrá ser secuestrada en los países signatarios en que la obra tenga derecho á la protección legal, sin perjuicio de originar las indemnizaciones ó de las penas en que incurran los falsificadores según las leyes del país en que el fraude se haya cometido.

ART. 14. Cada uno de los Gobiernos de los países signatarios conservará la libertad de permitir, vigilar ó prohibir la circulación, representación y exposición de cualquiera obra ó producción, respecto de las cuales tuviere que ejercer ese derecho la autoridad competente.

ART. 15. La presente Convención comenzará á regir, entre los Estados signatarios que la ratifiquen, tres meses después de que comuniquen su ratificación al Gobierno Mexicano, y permanecerá en vigor entre todos ellos, hasta un año después de la fecha en que se denuncie por alguno. Esta denuncia será dirigida al Gobierno Mexicano, y no tendrá efecto sino respecto del país que la haya hecho.

ART. 16. Los Gobiernos de los Estados signatarios declararán, al aprobar la presente Convención, si aceptan la adhesión de las naciones que no han tenido representación en la Segunda Conferencia Internacional Americana.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.  
(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chili,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQ. WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I CARVAJAL.

For Ecuador,  
(Signed) L. F. CARBO.

For El Salvador,  
(Signed) FRANCISCO A. REYES.  
(Signed) BALTASAR ESTUPINIAN.

For the United States of America,  
(Signed) W. I. BUCHANAN.  
(Signed) CHARLES M. PEPPER.  
(Signed) VOLNEY W. FOSTER.

For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti,  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.  
(Signed) F. DAVILA.

En fe de lo cual los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día veintisiete de Enero de mil novecientos dos, en tres ejemplares, en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.  
(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chile,  
(Firmado) AUGUSTO MATTE.  
(Firmado) JOAQ. WALKER M.  
(Firmado) EMILIO BELLO C.

Por la República Dominicana,  
(Firmado) FED. HENRÍQUEZ I CARVAJAL.

Por Ecuador,  
(Firmado) L. F. CARBO.

Por El Salvador,  
(Firmado) FRANCISCO A. REYES.  
(Firmado) BALTASAR ESTUPINIAN.

Por los Estados Unidos de América,  
(Firmado) W. I. BUCHANAN.  
(Firmado) CHARLES M. PEPPER.  
(Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
(Firmado) FRANCISCO ORLA.

Por Haití,  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.  
(Firmado) F. DÁVILA.

For Mexico,	Por México,
(Signed) G. RAIGOSA.	(Firmado) G. RAIGOSA.
(Signed) JOAQUIN D. CASASÚS.	(Firmado) JOAQUÍN D. CASASÚS.
(Signed) E. PARDO, JR.	(Firmado) E. PARDO (jr.)
(Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS.	(Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS.
(Signed) PABLO MACEDO.	(Firmado) PABLO MACEDO.
(Signed) F. L. DE LA BARRA.	(Firmado) F. L. DE LA BARRA.
(Signed) ALFREDO CHAVERO.	(Firmado) ALFREDO CHAVERO.
(Signed) M. SANCHEZ MARMOL.	(Firmado) M. SÁNCHEZ MÁRMOL.
(Signed) ROSENDO PINEDA.	(Firmado) ROSENDO PINEDA.
For Nicaragua,	Por Nicaragua,
(Signed) F. DAVILA,	(Firmado) F. DÁVILA.
For Paraguay,	Por Paraguay,
(Signed) CECILIO BAEZ.	(Firmado) CECILIO BAEZ.
For Peru,	Por Perú,
(Signed) MANUEL ALVAREZ CALDERON.	(Firmado) MANUEL ALVAREZ CALDERÓN.
(Signed) ALBERTO ELMORE.	(Firmado) ALBERTO ELMORE.
For Uruguay,	Por Uruguay,
(Signed) JUAN CUESTAS.	(Firmado) JUAN CUESTAS.

## APPENDIX E E.

*Convention relative to the Exchange of Official, Scientific, Literary and Industrial Publications.*

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem

*Convención sobre canje de publicaciones oficiales, científicas, literarias é industriales.*

Sus Excelencias, el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados

convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Antonio Bermejo, His Excellency Martin García Mérou, His Excellency Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chili.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*For the Dominican Republic.*—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

*For Haiti.*—His Excellency J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Dávila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasús, His Excellency José López Portillo y Rojas, His Excellency Emilio Pardo, Jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la

que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. General D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinian.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sr. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haití.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López Portillo y Rojas, Excmo. Sr.

Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed: to enter into a Convention relative to the exchange of official, scientific, literary and industrial publications, in the following terms:

ART. 1ST. The signatory Governments bind themselves to furnish one another, reciprocally, five copies of each one of the following official publications:

I. Parliamentary, administrative and statistical documents which may be published in each one of the contracting countries.

II. Works of all kinds, published or subsidized by the respective signatory Governments.

III. Geographical maps, general as well as special, topographic plans and other works of this kind.

ART. 2nd. The obligation stipulated in the foregoing article, shall exist even in the case that the works referred to should be printed outside of the territory of the country whose Government grants them subsidy or assistance.

ART. 3RD. Each one of the signa-

Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Mármol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. Dr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención sobre canje de publicaciones oficiales, científicas, literarias é industriales, en los siguientes términos:

ART. 1º. Los gobiernos signatarios se comprometen á enviarse recíprocamente cinco ejemplares de cada una de las siguientes publicaciones oficiales:

I. Los documentos parlamentarios, administrativos y de estadística que salgan á luz en cada uno de los países contratantes.

II. Las obras de toda especie, publicadas ó subvencionadas por los respectivos Gobiernos signatarios.

III. Los mapas geográficos generales ó particulares, los planos topográficos y otras obras de este género.

ART. 2º. La obligación estipulada en el artículo anterior existirá aun cuando las obras referidas fueren impresas fuera del territorio del país cuyo Gobierno les concediera subvención ó auxilio.

ART. 3º. Cada uno de los Go-

tory Governments shall form as complete a collection as possible, of the books already published officially in its respective territory, specially of those relating to its history, statistics and geography, and shall forward such collections to the others at the time of making its first transmission.

ART. 4TH. The Governments signing this Convention, whenever they shall receive the publications sent them by others, shall insert, in due time, a list of the same in the respective official journals, so that the public may be able to consult them in the office or library in which they are placed for inspection, stating at the same time the place and the printing office from which each work was issued, for the information of those that may desire to acquire said work.

ART. 5TH. The Contracting Governments, in so far as the stipulations of the Universal Postal Union allow it, will declare free of postage, among the respective countries, all official correspondence and the publications under agreement of exchange referred to in this Convention, in conformity with the special arrangements which for the purpose shall be entered into among themselves.

ART. 6TH. Each of the Contracting Countries shall send the printed matter to which this Convention refers, to the Legation or Consulate which it may have accredited to the Governments of the others, so that they may be delivered by such channels to the Department, office or library which each Government may designate to receive them. In the absence of indirect agents, the transmission shall be made from one Government to the other.

ART. 7TH. For the operation of this Convention it is not indispensable that its ratification shall be made simultaneously by the signa-

biernos firmantes hará formar una colección, tan completa como fuere posible, de los libros ya publicados oficialmente en su respectivo territorio, especialmente los relativos á su historia, estadística y geografía, y la remitirá á los demás al hacer la primera remesa.

ART. 4°. Á medida que cada uno de los Gobiernos que firman esta Convención reciba las publicaciones que le fueren remitidas por los demás, hará aparecer oportunamente en el respectivo Diario Oficial una lista de ellas, á fin de que el público pueda concurrir á consultarlas en la Oficina ó Biblioteca en que sean puestas á su disposición, designando al mismo tiempo el lugar y la imprenta de donde cada obra procede, para que llegue á conocimiento de los que deseen adquirirlas.

ART. 5°. En cuanto lo permitan las estipulaciones de la Unión Postal Universal, los Gobiernos contratantes declararán libres de porte la correspondencia oficial y las publicaciones de canje entre los países respectivos, de conformidad con los acuerdos particulares que entre ellos se celebren al efecto.

ART. 6°. Cada país contratante remitirá las publicaciones á que se refiere esta Convención á la Legación ó Consulado que tenga acreditado ante el Gobierno de los otros, á fin de que lleguen por ese órgano á poder del Departamento, Oficina ó Biblioteca que cada Gobierno designe para recibirlas. Á falta de agentes indirectos, la remisión se hará de Gobierno á Gobierno.

ART. 7°. Para la vigencia de esta Convención, no es indispensable que su ratificación sea efectuada simultáneamente por las Naciones



tory nations. The State approving it shall make known that fact to the others through a diplomatic agency, or directly, and such proceeding shall be considered of equal force as an exchange of copies.

ART. 8TH. This Convention shall take effect for an indefinite period, from the day on which its ratification shall have taken place, in the manner expressed in the foregoing article, and the nation desiring to denounce it, shall give notice of its intention to the others; and its obligations under it shall cease only one year from the date of giving such notice.

In Testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, this twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.  
(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chili,  
(Signed) AUGUSTO MATTE.  
(Signed) JOAQUIN WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I CARVAJAL.

For Ecuador,  
(Signed) L. F. CARBO.

signatarias. La que la aprueba lo comunicará, ya sea por la vía diplomática ó directamente á las demás, y este procedimiento hará las veces de canje.

ART. 8º. Á contar del día en que se efectúe la ratificación en la forma indicada en el artículo anterior, esta Convención quedará vigente por tiempo indefinido, y la Nación que desee denunciarla, deberá avisar su determinación á las demás, y sólo quedará desligada un año después de haber dado dicho aviso.

En fe de lo cual los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México el día veintisiete de Enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.  
(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chile,  
(Firmado) AUGUSTO MATTE.  
(Firmado) JOAQUIN WALKER M.  
(Firmado) EMILIO BELLO C.

Por la República Dominicana,  
(Firmado) FED. HENRÍQUEZ I CARVAJAL.

Por Ecuador,  
(Firmado) L. F. CARBO.

For El Salvador,  
 (Signed) FRANCISCO A. REYES.  
 (Signed) BALTAZAR ESTUPINIAN.

For the United States of America,  
 (Signed) W. I. BUCHANAN.  
 (Signed) CHARLES M. PEPPER.  
 (Signed) VOLNEY W. FOSTER.

For Guatemala,  
 (Signed) FRANCISCO ORLA.

For Haiti,  
 (Signed) J. N. LÉGER.

For Honduras,  
 (Signed) J. LEONARD.  
 (Signed) F. DAVILA.

For Mexico,  
 (Signed) G. RAIGOSA.  
 (Signed) JOAQUIN D. CASASÚS.  
 (Signed) E. PARDO, Jr.  
 (Signed) JOSÉ LOPEZ-PORTILLO  
 Y ROJAS.

(Signed) PABLO MACEDO.  
 (Signed) F. L. DE LA BARRA.  
 (Signed) ALFREDO CHAVERO.  
 (Signed) M. SANCHEZ MARMOL.  
 (Signed) ROSENDO PINEDA.

For Nicaragua,  
 (Signed) F. DAVILA.

For Paraguay,  
 (Signed) CECILIO BAEZ.

For Peru,  
 (Signed) MANUEL ALVAREZ  
 CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,  
 (Signed) JUAN CUESTAS.

Por El Salvador,  
 (Firmado) FRANCISCO A. REYES.  
 (Firmado) BALTAZAR ESTUPI-  
 NIAN.

Por los Estados Unidos de América,  
 (Firmado) W. I. BUCHANAN.  
 (Firmado) CHARLES M. PEPPER.  
 (Firmado) VOLNEY W. FOSTER.

Por Guatemala,  
 (Firmado) FRANCISCO ORLA.

Por Haití.  
 (Firmado) J. N. LÉGER.

Por Honduras,  
 (Firmado) J. LEONARD.  
 (Firmado) F. DÁVILA.

Por México,  
 (Firmado) G. RAIGOSA.  
 (Firmado) JOAQUÍN D. CASA-  
 SÚS.  
 (Firmado) E. PARDO (jr.).  
 (Firmado) JOSÉ LÓPEZ-PORTILLO  
 Y ROJAS.

(Firmado) PABLO MACEDO.  
 (Firmado) F. L. DE LA BARRA.  
 (Firmado) ALFREDO CHAVERO.  
 (Firmado) M. SÁNCHEZ MÁRMOL.  
 (Firmado) ROSENDO PINEDA.

Por Nicaragua,  
 (Firmado) F. DÁVILA.

Por Paraguay,  
 (Firmado) CECILIO BAEZ.

Por Perú,  
 (Firmado) MANUEL ALVAREZ  
 CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay.  
 (Firmado) JUAN CUESTAS.

## APPENDIX F F.

*Treaty on Patents of Invention,  
 Industrial Drawings and Models  
 and Trade-marks.*

Their Excellencies the Presi-  
 dents of the Argentine Republic,  
 Bolivia, Colombia, Costa Rica,  
 Chili, the Dominican Republic,  
 Ecuador, El Salvador, the United

*Tratado sobre Patentes de inven-  
 ción, dibujos y modelos indus-  
 triales, y marcas de comercio y  
 de fábrica.*

SS. EE. el Presidente de la Re-  
 pública Argentina, el de Bolivia, el  
 de Colombia, el de Costa Rica, el  
 de Chile, el de la República Dom-  
 inicana, el del Ecuador, el de El

States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Antonio Bermejo, His Excellency Martín García Mérou, His Excellency Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chile.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*For the Dominican Republic.*—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Descando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. Gral. D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henríquez y Carvajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinian.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sr. William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*For Haiti.*—His Excellency J. N. Léger.

*For Honduras.*—His Excellency José Leonard, His Excellency Fausto Dávila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquín D. Casasús, His Excellency José López-Portillo y Rojas, His Excellency Emilio Pardo jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

Who after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to enter into a Treaty on Patents of Invention, Industrial Drawings and Models, and Trade-marks, in the following terms:

ART. 1st. The citizens of each of the signatory States shall enjoy in other nations the same advantages granted by them to their own citizens in regard to the Trade-marks of commerce, or of manufacture, to the Models and industrial Drawings, and to Patents of invention.

Consequently, they shall have the right to the same protection and to identical remedies against any attack upon their rights.

*Por Haití.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfredo Chavero, Excmo. Sr. Lic. D. José López-Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Mármol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. Dr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. Dr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrádoslos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar un Tratado sobre patentes de invención, dibujos y modelos industriales y marcas de comercio y de fábrica, en los términos siguientes:

ART. 1º. Los ciudadanos de cada uno de los Estados signatarios gozarán en los otros de las mismas ventajas acordadas á los nacionales, en cuanto á las marcas de comercio ó de fábrica, á los modelos y dibujos industriales y á las patentes de invención.

En consecuencia, tendrán derecho á igual protección y á idénticos recursos contra el ataque á derechos.

ART. 2ND. For the purpose of this Treaty, foreigners domiciled in any of the signatory countries, or who may have in them an industrial or commercial establishment, shall be considered the same as citizens.

ART. 3RD. Patents of invention and those of industrial drawings and models, as well as of Trade-marks of commerce or manufacture, granted in the country of their origin, may be imported to the other signatory States, for registration and publication, as may be required by the laws of the respective countries, and they shall be protected in the same manner as those granted in the State itself. This provision does not remove the obligation imposed by national laws requiring the privileged articles to be manufactured in the country enacting such laws.

ART. 4TH. The Consular Agents of the Nation, to which belong or wherein reside the owners of patents, drawings, models, or Trade-marks, shall be considered as the legal representatives of said owners, for the purpose of complying with the formalities and conditions established, in order to present the application and secure the filing of said patents, drawings, models or Trade-marks, in the country wherein it is intended to use them.

ART. 5TH. The country in which the grantee has his principal establishment or domicile, shall be considered as the country of origin.

In case that he should not have any such establishment in any of the signatory countries, that State of the Signatory Nations of which the claimant is a citizen, shall be considered as the country of origin.

ART. 6TH. For the purpose of preserving the right of priority of Patents of Invention, Models or Designs and of imported Trade-

ART. 2º. Son asimilados á los nacionales, para los efectos de este Tratado, los extranjeros domiciliados en alguno de los países signatarios, ó que tengan en él un establecimiento industrial ó comercial.

ART. 3º. Las patentes de invención, las de dibujos ó modelos industriales y las marcas de comercio ó de fábrica, otorgadas en el país de origen, podrán ser importadas á los demás Estados signatarios, mediante el depósito y publicación que exijan las leyes de éstos, y serán protegidos en igual forma que las otorgadas en el mismo Estado. Esta disposición no obsta á la obligación que establezcan las leyes nacionales, de fabricar en el país los objetos que sean materia de privilegio.

ART. 4º. Los agentes consulares de la Nación á que pertenezcan ó donde se hallen establecidos los propietarios de patentes, dibujos, modelos ó marcas, serán considerados como representantes legítimos de dichos propietarios, para cumplir las formalidades y condiciones exigidas con el objeto de dar curso á la solicitud y obtener el registro de las referidas patentes, dibujos, modelos ó marcas, en el país donde se intente hacerlos valer.

ART. 5º. Se considera país de origen aquel en que el concesionario tiene su principal establecimiento ó su domicilio.

Si no lo tuviere en ninguno de los Estados Contratantes, se reputará país de origen el Estado signatario de la nacionalidad del propietario.

ART. 6º. Para conservar el derecho de prioridad de las patentes de invención, modelos, dibujos ó marcas importados, se concede el

marks, a term of one year is granted as to the former, and of six months as to the latter, to be counted from the date of their having been originally issued, for the presentation of the application of the same to the respective authority of the country, into which the patent right is to be imported.

ART. 7TH. All questions which may arise regarding the priority of an invention and regarding the adoption of a Trade-mark, shall be decided with due regard to the date of the application for the respective Patent or Trade-mark, in the countries in which they have been granted.

ART. 8TH. The following shall be considered as inventions: any new method of manufacturing industrial products; any mechanical or manual apparatus which may be used for the manufacture of said products; the discovery of any new industrial product; and the application of improved methods, for the purpose of producing results superior to those already known. The drawings and models of manufacture are subject to the rules of inventions and discoveries, in all that does not apply specially to the latter.

The signs, emblems or exterior names, that merchants or manufacturers may adopt or apply to their goods or products, in order to distinguish them from those of other manufacturers or merchants, who deal in articles of the same kind, shall be considered as Trade-marks of commerce or manufacture.

ART. 9TH. No Patent of invention can be granted with respect to the following:

I. Inventions and discoveries, which may have been published in any country, whether it be a party to this Treaty or not.

II. Those that are contrary to morals, or to the laws of the coun-

plazo de un año respecto de las primeras, y de seis meses en cuanto á los demás, contados desde el otorgamiento de las patentes, hasta la presentación de la solicitud ante la autoridad respectiva del Estado en el cual se intente importar el título.

ART. 7º. Las cuestiones que se susciten sobre la prioridad de la invención y sobre la adopción de una marca, se resolverán teniendo en cuenta la fecha de la solicitud de las patentes ó marcas respectivas, en los países en que se otorgaron.

ART. 8º. Se considera invención: un nuevo modo de fabricar productos industriales; un nuevo aparato mecánico ó manual, que sirva para fabricar dichos productos; el descubrimiento de un nuevo producto industrial, y la aplicación de medios perfeccionados, con el objeto de conseguir resultados superiores á los ya conocidos.

Los dibujos y modelos de fábrica se encuentran sujetos á las reglas de las invenciones ó descubrimientos, en lo que no sea especial á estos últimos.

Se reputa marca de comercio ó de fábrica, el signo, emblema ó nombre externo, que el comerciante adopta y aplica á sus mercaderías y productos, para distinguirlos de los de otros industriales ó comerciantes que negocian en artículos de la misma especie.

ART. 9º. No podrán obtener patente de invención:

I. Las invenciones y descubrimientos que hubieren tenido publicidad en algún Estado signatario, ó no, de este Tratado;

II. Los que fueren contrarios á la moral y á las leyes del país en

try, in which the Patents of inventions are to be granted or to be recognized.

ART. 10TH. Trade-marks of commerce or manufactures which are in the class provided for in paragraph II of the foregoing article, are likewise debarred from being granted or recognized.

ART. 11TH. The ownership of a Patent of invention or of a Trade-mark of commerce or manufacture, covers the right to enjoy the products of the invention, or the use of the Trade-mark, and the right to assign them to others.

ART. 12TH. The number of years of the patent right shall be that which the laws of the country, in which it is desired to make them effective, may establish. Such term may be limited to that established by the laws of the country in which the Patent of invention was originally granted, if the latter should be shorter.

ART. 13TH. The civil and criminal responsibilities, which those who injure the rights of inventors, incur, shall be prosecuted and punished in accordance with the laws of the country, in which the injury has been committed.

The falsification, adulteration, or unauthorized use of Trade-marks of commerce and manufacture, shall likewise be prosecuted in accordance with the laws of the State, in whose territory the infringement has been committed.

ART. 14TH. The declaration of nullity of a Patent or Trade-mark made in the country of its origin, shall be communicated in an authentic form to the other Signatory countries, so that they may decide in an administrative manner regarding the recognition, which may be solicited for the respective Patent or Trade-mark granted in the foreign country, and as to what effect such declaration is to produce with regard to the Patents or Trade-marks previously imported into said countries.

donde las patentes hayan de expedirse ó reconocerse.

ART. 10. Tampoco se podrán obtener ó reconocer marcas de comercio ó de fábrica, que se encuentren en el caso del párrafo segundo del artículo precedente.

ART. 11. La propiedad de la patente de invención ó de la marca fabril ó comercial, comprende la facultad de disponer de la invención ó de usar de la marca y el derecho de transferirlas á otros.

ART. 12. El número de años del privilegio será el que fijen las leyes del país en que se pretenda hacerlo efectivo. Ese plazo podrá ser limitado al señalado por las leyes del Estado en que primitivamente se acordó la patente, si fuere menor.

ART. 13. Las responsabilidades civiles y criminales en que incurran los que dañen los derechos del inventor, se perseguirán y penarán con arreglo á las leyes del país en que se haya ocasionado el perjuicio.

También las falsificaciones, adulteraciones ó uso indebido de las marcas de comercio ó de fábrica, se perseguirán con sujeción á las leyes del Estado en cuyo territorio se cometa la infracción.

ART. 14. La declaratoria de nulidad de una patente ó concesión de marca hecha en el país de origen, será comunicada en forma auténtica á los demás países signatarios, para que administrativamente se resuelva, ya sobre la solicitud de reconocimiento que se pretenda de la patente ó marca obtenida en el extranjero, ya sobre el efecto que tal declaratoria deba producir respecto de la patente ó marca antes importada á dichos países.

ART. 15TH. The Treaties on Patents of Invention and Trade-marks of commerce and manufacture, previously concluded by and between the countries subscribing the present Treaty, shall be substituted by the present Treaty from the time of its being duly perfected, as far as the relations between the signatory countries are concerned.

ART. 16TH. The communications, which the Governments who may ratify the present Treaty shall address to the Government of Mexico, for the purpose of making them known to the remaining contracting countries, shall be considered equal to the customary exchange of ratifications. The Government of Mexico shall likewise communicate to them its ratification of this Treaty, if it should resolve to ratify the same.

ART. 17TH. The exchange of copies in the form of the foregoing article having been made by two or more countries, this Treaty shall take effect thenceforward for an indefinite time.

ART. 18TH. In case any one of the Signatory Powers should desire to withdraw from this Treaty, it shall make its abrogation known in the manner prescribed in article 16th, and the effect of this Treaty, as far as the respective nation is concerned, shall cease one year from the date of the receipt of the respective communication.

ART. 19TH. The countries of America, that may not have signed this Treaty originally, may adhere to the same in the manner prescribed by art. 16th.

In Testimony whereof the Plenipotentiaries and Delegates sign the present Treaty and affix thereto the seal of the Second International American Conference.

Made in the City of Mexico this twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English

ART. 15. Los tratados sobre patentes de invención y marcas de comercio ó de fábrica, otorgados anteriormente entre los países signatarios del presente, quedarán substituídos por éste, desde que quede perfeccionado, en cuanto á las relaciones entre dichos países signatarios.

ART. 16. Harán veces de canje del presente Tratado las comunicaciones que dirijan los Gobiernos que lo ratifiquen al de México, para que éste lo haga saber á los demás Estados Contratantes. El mismo Gobierno de México les comunicará también la ratificación, si la otorgase.

ART. 17. Hecho el canje por dos ó más Estados en la forma del artículo anterior, este Tratado quedará en vigor desde ese acto por tiempo indefinido.

ART. 18. La Nación signataria que creyere conveniente desligarse del Tratado, hará saber el desahucio en la forma indicada en el art. 16; y un año después de recibida la comunicación respectiva, cesará la vigencia del Tratado respecto á la Nación que lo hubiere denunciado.

ART. 19. En la forma prevenida por el art. 16 podrán adherirse al Tratado las Naciones de América que originariamente no lo subscriban.

En fe de lo cual, los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él sello de la Segunda Conferencia Internacional Americana.

Hecho en la ciudad de México el día veintisiete de Enero de mil novecientos dos, en tres ejemplares, escritos en castellano, in-



and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,  
(Signed) ANTONIO BERMEJO.  
(Signed) LORENZO ANADON.

For Bolivia,  
(Signed) FERNANDO E. GUACHALLA.

For Colombia,  
(Signed) RAFAEL REYES.

For Costa Rica,  
(Signed) J. B. CALVO.

For Chile,  
(Signed) AGUSTO MATTE.  
(Signed) JOAQ. WALKER M.  
(Signed) EMILIO BELLO C.

For the Dominican Republic,  
(Signed) FED. HENRIQUEZ I CARVAJAL.

For Ecuador,  
(Signed) L. F. CARBO.

For El Salvador,  
(Signed) FRANCISCO A. REYES.  
(Signed) BALTASAR ESTUPINIAN.

For Guatemala,  
(Signed) FRANCISCO ORLA.

For Haiti,  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.  
(Signed) F. DAVILA.

For Mexico,  
(Signed) G. RAIGOSA.  
(Signed) JOAQUIN D. CASASÚS.  
(Signed) E. PARDO, Jr.  
(Signed) JOSÉ LOPEZ-PORTILLO Y ROJAS.

(Signed) PABLO MACEDO.  
(Signed) F. L. DE LA BARRA.  
(Signed) ALFREDO CHAVERO.  
(Signed) M. SANCHEZ MARMOL.  
(Signed) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. DAVILA.

For Paraguay,  
(Signed) CECILIO BAEZ.

glés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,  
(Firmado) ANTONIO BERMEJO.  
(Firmado) LORENZO ANADÓN.

Por Bolivia,  
(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,  
(Firmado) RAFAEL REYES.

Por Costa Rica,  
(Firmado) J. B. CALVO.

Por Chile,  
(Firmado) AGUSTO MATTE.  
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(Firmado) EMILIO BELLO C.

Por la República Dominicana,  
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(Firmado) BALTASAR ESTUPI-

Por Guatemala,  
(Firmado) FRANCISCO ORLA.

Por Haití,  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.  
(Firmado) F. DÁVILA.

Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO (Jr.).  
(Firmado) JOSÉ LÓPEZ-PORTILLO Y ROJAS.

(Firmado) PABLO MACEDO.  
(Firmado) F. L. DE LA BARRA.  
(Firmado) ALFREDO CHAVERO.  
(Firmado) M. SÁNCHEZ MÁRMOL.

(Firmado) ROSENDO PINEDA.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ CALDERON.  
(Signed) ALBERTO ELMORE.  
For Uruguay,  
(Signed) JUAN CUESTAS.

Por Perú,  
(Firmado) MANUEL ALVAREZ CALDERÓN.  
(Firmado) ALBERTO ELMORE.  
Por Uruguay,  
(Firmado) JUAN CUESTAS.

## APPENDIX G G.

*Convention Relative to the Rights of Aliens*

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—His Excellency Dr. Antonio Bermejo, His Excellency Martin García Mérou, His Excellency Dr. Lorenzo Anadón.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquín Bernardo Calvo.

*For Chili.*—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

*Convención Relativa á los Derechos Extranjería.*

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay.

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes Señores Delegados:

*Por la Argentina.*—Excmo. Sr. Dr. D. Antonio Bermejo, Excmo. Sr. Dr. D. Martín García Mérou, Excmo. Sr. Dr. D. Lorenzo Anadón.

*Por Bolivia.*—Excmo. Sr. Dr. D. Fernando E. Guachalla.

*Por Colombia.*—Excmo. Sr. Dr. D. Carlos Martínez Silva, Excmo. Sr. General D. Rafael Reyes.

*Por Costa Rica.*—Excmo. Sr. D. Joaquín Bernardo Calvo.

*Por Chile.*—Excmo. Sr. D. Alberto Blest Gana, Excmo. Sr. D. Emilio Bello Codecido, Excmo. Sr. D. Joaquín Walker Martínez, Excmo. Sr. D. Augusto Matte.

*For the Dominican Republic.*—Federico Henriquez y Carbajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

*For the United States of America.*—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

*For Guatemala.*—His Excellency Dr. Antonio Lazo Arriago, His Excellency Colonel Francisco Orla.

*For Haiti.*—His Excellency Dr. J. N. Leger.

*For Honduras.*—His Excellency Jose Leonard, His Excellency Fausto Davila.

*For Mexico.*—His Excellency Genaro Raigosa, His Excellency Joaquin D. Casasús, His Excellency José Lopez Portillo y Rojas, His Excellency Emilio Pardo, jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sanchez Mármol, His Excellency Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting

*Por la República Dominicana.*—Excmo. Sr. D. Federico Henriquez y Carbajal, Excmo. Sr. D. Luis Felipe Carbo, Excmo. Sr. D. Quintín Gutiérrez.

*Por Ecuador.*—Excmo. Sr. D. Luis Felipe Carbo.

*Por El Salvador.*—Excmo. Sr. Dr. D. Francisco A. Reyes, Excmo. Sr. D. Baltasar Estupinian.

*Por los Estados Unidos de América.*—Excmo. Sr. Henry G. Davis, Excmo. Sir William I. Buchanan, Excmo. Sr. Charles M. Pepper, Excmo. Sr. Volney W. Foster, Excmo. Sr. John Barrett.

*Por Guatemala.*—Excmo. Sr. D. Antonio Lazo Arriaga, Excmo. Sr. Coronel D. Francisco Orla.

*Por Haiti.*—Excmo. Sr. Dr. D. J. N. Léger.

*Por Honduras.*—Excmo. Sr. Dr. D. José Leonard, Excmo. Sr. Dr. D. Fausto Dávila.

*Por México.*—Excmo. Sr. Lic. D. Genaro Raigosa, Excmo. Sr. Lic. D. Joaquín D. Casasús, Excmo. Sr. Lic. D. Pablo Macedo, Excmo. Sr. Lic. D. Emilio Pardo, jr., Excmo. Sr. Lic. D. Alfred Chavero, Excmo. Sr. Lic. D. José López-Portillo y Rojas, Excmo. Sr. Lic. D. Francisco L. de la Barra, Excmo. Sr. Lic. D. Manuel Sánchez Mármol, Excmo. Sr. Lic. D. Rosendo Pineda.

*Por Nicaragua.*—Excmo. Sr. D. Luis F. Corea, Excmo. Sr. Dr. D. Fausto Dávila.

*Por el Paraguay.*—Excmo. Sr. D. Cecilio Baez.

*Por el Perú.*—Excmo. Sr. D. Isaac Alzamora, Excmo. Sr. Dr. D. Alberto Elmore, Excmo. Sr. Dr. D. Manuel Alvarez Calderón.

*Por el Uruguay.*—Excmo. Sr. Dr. D. Juan Cuestas.

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibi-

those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to celebrate a Convention relative to the rights of Aliens in the following terms:

First: Aliens shall enjoy all civil rights pertaining to citizens, and make use thereof in the substance, form or procedure, and in the resources which result therefrom, under exactly the same terms as the said citizens, except as may be otherwise provided by the Constitution of each country.

Second: The States do not owe to, nor recognize in, favor of foreigners, any obligations or responsibilities other than those established by their Constitutions and laws in favor of their citizens.

Therefore, the States are not responsible for damages sustained by aliens through acts of rebels or individuals, and in general, for damages originating from fortuitous causes of any kind, considering as such the acts of war whether civil or national; except in the case of failure on the part of the constituted authorities to comply with their duties.

Third: Whenever an alien shall have claims or complaints of a civil, criminal or administrative order against a State, or its citizens, he shall present his claims to a competent Court of the country, and such claims shall not be made, through diplomatic channels, except in the cases where there shall have been, on the part of the Court, a manifest denial of justice, or unusual delay, or evident violation of the principles of International Law.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto

dos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención relativa á los derechos de los extranjeros, en los siguientes términos:

ART. 1º. Los extranjeros gozan de todos los derechos civiles de que gozan los nacionales, y deben hacer uso de ellos en el fondo, en la forma ó procedimiento y en los recursos á que den lugar, absolutamente en los mismos términos que dichos nacionales, salvo lo que disponga la Constitución de cada país.

ART. 2º. Los Estados no tienen ni reconocen á favor de los extranjeros otras obligaciones ó responsabilidades que las que á favor de los nacionales se hallen establecidas por su Constitución y por sus leyes.

En consecuencia, los Estados no son responsables de los daños sufridos por les extranjeros por causa de actos de facciosos ó de individuos particulares, y en general de los daños originados por casos fortuitos de cualquiera especie, considerándose tales, los actos de guerra, ya sea civil ó nacional, sino en el caso de que la autoridad constituida haya sido remisa en el cumplimiento de sus deberes.

ART. 3º. En todos los casos en que un extranjero tenga reclamaciones ó quejas del orden civil, criminal ó administrativo contra un Estado, ó sus nacionales, deberá interponer su demanda ante el tribunal competente del país; y no podrá reclamarse por la vía diplomática, sino en los casos en que haya habido, de parte de ese tribunal, manifiesta denegación de justicia, ó retardo anormal, ó violación evidente de los principios del Derecho Internacional.

En fe de lo cual, los Plenipotenciarios y Delegados firman la presente Convención y ponen en

the Seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-ninth day of January nineteen hundred and two, in three copies written in Spanish, English and French, respectively, which shall be deposited at the Department of Foreign Relations of the Government of the United Mexican States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chili,

(Signed) AUGUSTO MATTE.

(Signed) JOAQ. WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTASAR ESTUPINIAN.

For Guatemala,

(Signed) FRANCISCO ORLA.

For Honduras,

(Signed) J. LEONARD.

(Signed) F. DAVILA.

For Mexico,

(Signed) G. RAIGOSA.

(Signed) JOAQUIN D. CASASÚS.

(Signed) E. PARDO, Jr.

(Signed) JOSÉ LOPEZ-PORCILLO Y ROJAS.

(Signed) PABLO MACEDO.

(Signed) F. L. DE LA BARRA.

(Signed) ALFREDO CHAVERO.

(Signed) M. SANCHEZ MARMOL.

(Signed) ROSENDO PINEDA.

ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día veintinueve de Enero de mil novecientos dos, en tres ejemplares en castellano, inglés y francés, respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

Por Colombia,

(Firmado) RAFAEL REYES.

Por Costa Rico,

(Firmado) J. B. CALVO.

Por Chile,

(Firmado) AUGUSTO MATTE.

(Firmado) JOAQ. WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRÍQUEZ I CARVAJAL.

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

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Por Guatemala,

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Por México,

(Firmado) G. RAIGOSA.

(Firmado) JOAQUÍN D. CASASÚS.

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(Firmado) JOSÉ LÓPEZ-PORCILLO Y ROJAS.

(Firmado) PABLO MACEDO.

(Firmado) F. L. DE LA BARRA.

(Firmado) ALFREDO CHAVERO.

(Firmado) M. SÁNCHEZ MÁRMOL.

(Firmado) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. DAVILA.

For Paraguay,  
(Signed) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ  
CALDERON.

(Signed) ALBERTO ELMORE.

For Uruguay,  
(Signed) JUAN CUESTAS.

Por Nicaragua,  
(Firmado) F. DÁVILA.

Por Paraguay,  
(Firmado) CECILO BAEZ.

Por Perú,  
(Firmado) MANUEL ALVAREZ  
CALDERÓN.

(Firmado) ALBERTO ELMORE.

Por Uruguay,  
(Firmado) JUAN CUESTAS.

## APPENDIX H H.

### *Resolution on future American International Conferences.*

The undersigned, delegates of the Republics represented in the Second International American Conference, duly authorized by their Governments, have approved the following resolution:

The Second International American Conference resolves:

That the Third International American Conference shall meet within five years, in the place which the Secretary of State of the United States of America and the diplomatic representatives accredited by the American Republics in Washington may designate for the purpose and in accordance with what at the meeting of the said representatives may be resolved regarding the programme and other necessary details, for all of which they are hereby expressly authorized by the present resolution.

If due to any circumstances it were not possible for the third conference to assemble within five years the Secretary of State of the United States of America and the diplomatic representatives accredited in Washington may designate another date for its reunion.

### *Resolución Sobre futuras Conferen- cias Internacionales Americanas.*

Los que subscriben, Delegados de las Repúblicas representadas en la Segunda Conferencia Internacional Americana, debidamente autorizados por sus Gobiernos, han aprobado la resolución siguiente:

La Segunda Conferencia Internacional Americana resuelve:

La Tercera Conferencia Internacional Americana se reunirá dentro de cinco años, en el lugar que los representantes diplomáticos de las Repúblicas Americanas, acreditados en Washington, y el Secretario de Estado de los Estados Unidos de América designen con este fin, y de conformidad con lo que en reunión de todos ellos se disponga, acerca del programa y demás detalles necesarios, para todo lo cual quedan autorizados expresamente en virtud de la presente resolución. Si por cualquiera circunstancia no fuere posible que la Tercera Conferencia se reuna dentro de cinco años, los Representantes diplomáticos, acreditados en Washington, y el Secretario de Estado de los Estados Unidos de América, podrán designar otra fecha de reunión.

It is also resolved to recommend to each one of the Governments that they present to the next conference a complete report of all that has been done by the respective countries in obedience to the recommendations adopted by the first and second conferences.

Made and signed in the City of Mexico, on the 29th day of the month of January, 1902, in three copies, in Spanish, English, and French, respectively, which shall be deposited in the Department of Foreign Relations of the Government of the United States of Mexico, in order that certified copies thereof be made to transmit them through diplomatic channels to each one of the signatory States.

For the Argentine Republic,

(Signed) ANTONIO BERMEJO.

(Signed) LORENZO ANADON.

For Bolivia,

(Signed) FERNANDO E. GUACHALLA.

For Colombia,

(Signed) RAFAEL REYES.

For Costa Rica,

(Signed) J. B. CALVO.

For Chile,

(Signed) AUGUSTO MATTE.

(Signed) JOAQUIN WALKER M.

(Signed) EMILIO BELLO C.

For the Dominican Republic,

(Signed) FED. HENRIQUEZ I CARVAJAL.

(Signed) L. F. CARBO.

(Signed) QUINTIN GUTIÉRREZ.

For Ecuador,

(Signed) L. F. CARBO.

For El Salvador,

(Signed) FRANCISCO A. REYES.

(Signed) BALTAZAR ESTUPINIAN.

For the United States of America,

(Signed) W. I. BUCHANAN.

(Signed) CHARLES M. PEPPER.

(Signed) VOLNEY W. FOSTER.

For Guatemala,

(Signed) FRANCISCO ORLA.

Se resuelve también recomendar á cada uno de los Gobiernos que presente, en la próxima Conferencia, un informe completo de todo lo que se haya hecho en su país respectivo, en relación con las recomendaciones aprobadas por la Primera y la Segunda Conferencias.

Hecho y firmado en la Ciudad de México, á los veintinueve días del mes de Enero de mil novecientos dos, en tres ejemplares escritos, respectivamente, en español, inglés y francés, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Por la República Argentina,

(Firmado) ANTONIO BERMEJO.

(Firmado) LORENZO ANADÓN.

Por Bolivia,

(Firmado) FERNANDO E. GUACHALLA.

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(Firmado) RAFAEL REYES.

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Por Chile,

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(Firmado) JOAQUIN WALKER M.

(Firmado) EMILIO BELLO C.

Por la República Dominicana,

(Firmado) FED. HENRIQUEZ I CARVAJAL.

(Firmado) L. F. CARBO.

(Firmado) QUINTIN GUTIÉRREZ.

Por Ecuador,

(Firmado) L. F. CARBO.

Por El Salvador,

(Firmado) FRANCISCO A. REYES.

(Firmado) BALTAZAR ESTUPINIAN.

Por los Estados Unidos de América,

(Firmado) W. I. BUCHANAN.

(Firmado) CHARLES M. PEPPER.

(Firmado) VOLNEY W. FOSTER.

Por Guatemala,

(Firmado) FRANCISCO ORLA.

For Haiti,  
(Signed) J. N. LÉGER.

For Honduras,  
(Signed) J. LEONARD.  
(Signed) F. DÁVILA.

For Mexico,  
(Signed) G. RAIGOSA.  
(Signed) JOAQUIN D. CASASÚS.  
(Signed) E. PARDO, Jr.  
(Signed) JOSÉ LOPEZ PORTILLO  
Y ROJAS.  
(Signed) PABLO MACEDO.  
(Signed) F. L. DE LA BARRA.  
(Signed) ALFREDO CHAVERO.  
(Signed) M. SANCHEZ MARMOL.  
(Signed) ROSENDO PINEDA.

For Nicaragua,  
(Signed) F. DÁVILA.

For Paraguay,  
(Signed) CECILIO BAEZ.

For Peru,  
(Signed) MANUEL ALVAREZ CAL-  
DERON.

(Signed) ALBERTO ELMORE.

For Uruguay,  
(Signed) JUAN CUESTAS.

Por Haití,  
(Firmado) J. N. LÉGER.

Por Honduras,  
(Firmado) J. LEONARD.  
(Firmado) F. DÁVILA.

Por México,  
(Firmado) G. RAIGOSA.  
(Firmado) JOAQUÍN D. CASASÚS.  
(Firmado) E. PARDO (jr.).  
(Firmado) JOSÉ LÓPEZ-PORTIL-  
LO Y ROJAS.

(Firmado) PABLO MACEDO.  
(Firmado) F. L. DE LA BARRA.  
(Firmado) ALFREDO CHAVERO.  
(Firmado) M. SÁNCHEZ MÁR-  
MOL.

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(Firmado) F. DÁVILA.

Por Paraguay,  
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Por Perú,  
(Firmado) MANUEL ALVAREZ  
CALDERÓN.

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Por Uruguay,  
(Firmado) JUAN CUESTAS.



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